a most precious resource, and we must therefore learn to preserve it, to make the best use of it for our needs, and to transfer it from areas where there is an abundance of water to areas where it is in short supply.

Let me cite to you a few facts. In the past 60 years the estimated daily use of water for all purposes has risen from 530 gallons to 1,600 gallons per person. Experts forecast this will rise to 2,200 gallons per person by 1975. Back in 1900, our total daily use of water for the entire Nation amounted to about 40 billion gallons. By 1958 this rose to 265 billion gallons, and it is estimated that by 1980 it will reach about 600 billion gallons. How much is 600 billion gallons? It is 60 times the average daily flow of the Hudson River at New York City.

In addition to flood control and water conservation, we must not overlook another very important factor—soil erosion. Rampaging rivers and swollen streams wash away thousands of tons of good topsoil from our farms, and this constitutes a type of destruction which is no less tragic. When all of this is taken together—the loss of soil, the loss of water resources so badly needed for urban and agricultural use, the destruction of property and often also of many lives—we can readily see what a staggering loss it constitutes for many sections of our country. Measured against the savings in property loss, and the benefits in recreational uses, fishing opportunities, and other benefits, the cost to the Government of projects such as the West Thompson Dam is indeed small.

I am glad that the people of this area have become aware of this problem and have had the vision and the foresight to take action to remedy this situation. All of us have a responsibility to cooperate in the effort to conserve our land and water resources. These resources constitute a basic heritage handed down to us, and it is our solemn obligation to preserve them for future generations.

In a recent statement on conservation and natural resources, President Johnson spoke of water, especially clear water, as being "a Nation's real treasure." He then added this observation:

"If future generations are to remember us more with gratitude than with sorrow, we must achieve more than just the miracles of technology. We must also leave them a glimpse of the world as God really made it, not just as it looked when we got through with it."

I feel sure that future generations will not only remember us with gratitude, but will bless us for having built this dam and preserving our resources. The West Thompson Dam is nearly a half mile long, 70 feet high, and is costing the Federal Government about $6.5 million. It has been under construction for the past two and a half years. Now that we have reached its completion, we know that we have also reached a significant milestone in the annals of northeastern Connecticut. The dangers of flooding have been substantially reduced. Our towns, villages, and farmlands are much safer today. Our land and water resources will be a blessing and will provide us with the bounty of our land, instead of being a source of devastation and destruction.

I rejoice in the fact that today we can all be proud of a job well done. This is a day in our lives when we can truly say to our people, especially to our younger generation: "Your heritage is secure. The bounty of our land is preserved." This dam that we have erected is not only a marvel of modern technology—it is a great bulwark for the safety of life and property.

And let me mention one other problem of water which has become quite serious in recent years. I refer, of course, to water pollution. There is no need for me to tell this audience about our urgent need for clean water and for control of pollution of our rivers, streams, ponds, wells, and other water resources. We are faced with a most difficult problem. On the one hand, our population is constantly expanding and as a result we have an increasing demand for fresh water supplies; on the other hand, our industries are growing and as a result the volume of waste is also increasing.

Our problem today is not a shortage of water in terms of total needs measured against total supplies. It is more a question of distribution, and of preserving and cleaning up sources which we have rendered useless through misuse. It is a crime the way in which we have permitted our streams and rivers to become almost open sewers. We should be appalled at the filth that is daily dumped into the beautiful streams that course through the woodlands, past our towns and cities and on toward the oceans. Most of our major streams are so saturated with pollution of industrial and municipal wastes that one has to have a strong stomach to even come near them—let alone to use them for any recreational activity.

We are well aware of the enormity of the problem of pollution. We all know the factors contributing to it. Unfortunately, we have not yet been able to completely solve the problem or to cope with it satisfactorily. It will still require a great deal of time, money, effort, research, and considerable patience before we can master this problem. Pollution has become a serious national problem, and may even increase in the years ahead before we are able to gain control over it.

We know that water is essential to all animal and plant life—but it is equally important to industrial and economic growth. Let me give you an idea of what water means to industry. In 1954 the principal water-consuming industries—steel, petroleum, and the like—used some 21 billion gallons per day. In 1959 it rose to 30 billion gallons, and by 1980 it will be over 50 billion gallons of water per day.

Several days ago I had a conference in my office with officials from the U.S. Department of the Interior regarding the Government's programs in water conservation and water desalinization. One high official—an Assistant Secretary of the Department—told me of a visit he made to Europe last year to study their rivers and water problems. He found that the waters of the Rhine River, which has been used for many years as a main navigational artery in Europe, run almost pure—so good, in fact, that people dip the waters from the river and use them as such without fear of becoming sick.

We must have a greater awareness in this Nation of the value of our water resources. We must reclaim the rivers and streams we have lost through pollution and return them to useable purposes. We owe this to our children and to future generations.

In conclusion, I want to express our deep appreciation to the Army Corps of Engineers and to the many fine men of the corps who worked hard to make this project—this dream of ours—a reality. We thank them for the many long hours they have put into it, their devotion, and the outstanding job for which they can feel justly proud. They have not only helped to preserve our resources, but also the beauty of our land and the safety of the inhabitants of this entire region and their dwelling places.

About 100 years ago the great New England philosopher Henry David Thoreau gazed upon the beauty of America, its bounty and its resources, and he wrote:

"It is a noble country where we dwell, fit for a stalwart race."

Let us keep it that way. Let us preserve its bounty and its resources so that those who come after us will remember us with gratitude.

SENATE

WEDNESDAY, OCTOBER 6, 1965

(Legislative day of Friday, October 1, 1965)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God of light and love—Thou who art the source and satisfaction of the deepest desires of our restless hearts—in this age obsessed with the exploration of outer space and what its secrets may hold, teach us that the true knowledge of Thee is hidden within us.

Thou hast not left thyself without witness in Thy world. Wherever truth speaks Thy voice is heard. In the lure of the lovely anywhere, everywhere, we touch the hem of Thy garment vast and white.

Even in the midst of traitorous denials which barter the highest with a betrayer's kiss, and the surrenders to the lowest which blight the deeds of men, we sense Thy eternal presence in the brave and generous attitudes of those who share with us the decisions to choose the blessing or the curse—life or death.

Thou givest us the divine option of taking the road that leads to blessing and life rich and abundant. As we survey the crying needs of our common humanity may we heed the supreme teaching of the Master of Life that strength stored for selfish ends evaporates, and that strength poured selflessly for others is multiplied as the giver gains the strength of 10 because his heart is pure.

We ask it in the name of the Holiest among the Holy who came not to be ministered unto but to minister. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, October 5, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message

from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am transmitting the Second Annual Report on Special International Exhibitions, for the fiscal year 1964, pursuant to section 108(b) of Public Law 87–256, the Mutual Educational and Cultural Exchange Act of 1961.

This program is designed to reveal to peoples abroad the true nature and broad extent of our economic, social, and cultural attainments. These exhibitions are also designed to advance mutually profitable trade relationships.

This American know-how is presented to show how it harmonizes with the host country's own aspirations and capabilities. This is done by presenting major U.S. exhibitions at selected international fairs and expositions, or as special events, in support of American foreign-policy objectives.

This program concentrates mainly in Eastern Europe and the developing countries. Hundreds of American business and industrial firms, private institutions, and individuals cooperated with Government agencies and contributed materials, time, and talent to help insure the success of these exhibitions.

For people who yearn to learn more about us, the American pavilion is like a large picture window through which they can look and see for themselves. The steady stream of young and old, from all walks of life, flocking to our exhibitions to improve their knowledge of what America is and means is a sight not easily forgotten.

These exhibitions are a vital adjunct to our country's unceasing pursuit of peace, freedom, and human dignity for men everywhere. I am gratified by the support the Congress has given this program since it began a decade ago.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 6, 1965.*

REPORT ON INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256), I am transmitting the annual report on the international educational and cultural exchange program for the fiscal year 1964.

This report suggests something of the experience of life in other lands which students, teachers, professors, lecturers, research scholars, performing artists, athletes and coaches, foreign leaders, writers, judges, doctors—indeed the whole company of the adventurous, the skilled, the searching—have shared with their counterparts abroad, since the exchange programs began two decades ago.

In those 20 years they have become an established part of our commitment to international understanding. That commitment is expressed through congressional action, through the voluntary efforts of thousands of individual citizens, through our universities and colleges, and through national and local community organizations all across the country.

I commend the report to the thoughtful scrutiny of the Congress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 6, 1965.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service be permitted to meet during the session of the Senate today.

Mr. KUCHEL. Mr. President, reserving the right to object, a request has been made that the minority oppose the request. I object.

The PRESIDENT pro tempore. Objection is heard.

ORDER FOR RECESS TO TOMORROW

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that when the Senate completes its business today, it stands in recess until 11 o'clock tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM THURSDAY TO FRIDAY—ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and this request has been cleared with the distinguished minority leader—that when the Senate completes its business tomorrow, it stand in recess until 11 o'clock Friday morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the motion to table, which I have announced I shall make on Friday, take place at 1 o'clock.

Mr. KUCHEL. Mr. President, reserving the right to object—and there will be no objection——

Mr. MANSFIELD. It has been cleared.

Mr. KUCHEL. It is implicit in the Senator's request that he will obtain the floor in order to make that motion?

Mr. MANSFIELD. The Senator is correct.

Mr. KUCHEL. I thank the Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have not cleared this request with the distinguished minority leader, but on my own responsibility, I ask unanimous consent that the time on Friday after the prayer and the disposition of the Journal, be equally divided between the minority leader, the Senator from Illinois [Mr. DIRKSEN] and the majority leader.

Mr. KUCHEL. Will the Senator include in his unanimous-consent request the further provision that the time under the control of both will not be affected by the rule against more than two speeches on the same day?

Mr. MANSFIELD. I shall be glad to include that in the request.

The PRESIDENT pro tempore. Is there objection?

Mr. HICKENLOOPER. Mr. President, reserving the right to object, I do not quite understand what is going on.

Mr. MANSFIELD. I announced yesterday that I would make a motion to table.

Mr. HICKENLOOPER. A motion to table is not debatable, as I understand.

Mr. MANSFIELD. That is correct. However, I wished to give each side an equal allotment of time before the motion was made on Friday, with the provision that the last 10 minutes before the motion was made be divided equally between the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and myself, at the expiration of which time I shall make the motion to table.

Mr. HICKENLOOPER. I have no objection to the Senator's making the motion, but as to the time involved, I hope the Senator will delay making his present request until we can discuss the matter with the minority leader. I believe we shall be able to clear it with the minority leader, if the Senator from Montana will delay making his request for a few minutes.

Mr. MANSFIELD. Very well.

Mr. HICKENLOOPER. I do not understand the implications of the situation at the moment.

Mr. MANSFIELD. There are no implications.

Mr. HICKENLOOPER. Of course, nothing insidious is involved. I understand that. However, I should like to clear the situation with the minority leader. I would appreciate it if the majority leader would make his request a little later.

Mr. MANSFIELD. That is a reasonable request. I withdraw that portion of the request which is now pending, until a later time.

Mr. HICKENLOOPER. As I understand, no time was set for the beginning of these remarks in the Senator's request.

Mr. MANSFIELD. Yes. The time was to begin at the conclusion of the prayer and the disposition of the Journal.

Mr. HICKENLOOPER. I am not disposed to take a position one way or another on the Senator's request. I re-

quest I should like to have it cleared with the minority leader and to have it cleared up in my own mind. I should like to fully understand the request. I thank the Senator.

Mr. MANSFIELD. That is perfectly all right. I shall clear it with the minority leader.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may transact routine morning business, and that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOSPITALIZATION OF PRESIDENT JOHNSON

Mr. MANSFIELD. Mr. President, President Johnson has done everything possible to spare the concern of the Nation and the world of his need for surgery. Nevertheless, the news that he will enter the hospital for a major operation on Friday still comes as a distinct shock to all of us.

It is most gratifying to learn that he will not be incapacitated for any great length of time and that there is every reason to expect a prompt and complete recovery. I spoke with him on the phone last night and again this morning and can advise the Senate that his attitude is excellent and most reassuring.

Every Member of the Senate, the people of the Nation, and millions throughout the world, however, will share with me the anxiety of the next few days. The President's condition will occupy our thoughts at all times. He has our prayers and good wishes. He can take comfort in knowing that in this period of his difficulty we are united in our concern for his personal welfare and we are united in our hope that he will have a rapid and thorough recovery. That is the foremost consideration in our hearts and minds at this time.

Mr. KUCHEL. Will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from California.

Mr. KUCHEL. The Senator expresses the profound feelings and prayers of the American people. Surely no words need be uttered here that his eloquent statement is reechoed in the hearts of all his fellow Senators.

Mr. MANSFIELD. I appreciate the statement of the Senator from California.

Mr. President, I yield the floor.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PLAN FOR WORKS OF IMPROVEMENT IN WISCONSIN

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, a plan for works of improvement on Plain-Honey Creek, Wis. (with an accompanying document); to the Committee on Agriculture and Forestry.

CLARIFICATION OF REEMPLOYMENT PROVISIONS OF UNIVERSAL MILITARY TRAINING AND SERVICE ACT

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORT ON MILITARY CONSTRUCTION, AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on military construction, Air National Guard (with an accompanying report); to the Committee on Armed Services.

FEDERAL SAVINGS BANK ACT

A letter from the Chairman, Federal Home Loan Bank Board, Washington, D.C., transmitting a draft of proposed legislation to authorize the establishment of Federal mutual savings banks (with accompanying papers); to the Committee on Banking and Currency.

REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1964 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON CONTRACTS NEGOTIATED FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, for the 6-month period ended June 30, 1964 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF ACTING COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on improvements to be made in administration of employee travel, Veterans' Administration, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on additional income possible by obtaining more equitable rates of interest on U.S.-owned foreign currencies, Treasury Department, Department of State, and Agency for International Development, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings through use of an oversupply of stabilator assemblies for F–4 aircraft, Department of the Navy, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on costs incurred in procuring Madrec electronic system components manufactured by Midwestern Instruments, Inc., from Lockheed Georgia Co., Department of the Air Force, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on need for improved administration of allowances paid for uniforms of cadets in the Reserve Officers' Training Corps, Departments of the Army and the Air Force, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

REPORT OF FEDERAL PRISON INDUSTRIES, INC.

A letter from the Commissioner, Federal Prison Industries, Inc., Department of Justice, Washington, D.C., transmitting, pursuant to law, a report of that organization, for the fiscal year 1965 (with an accompanying report); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

ADJUSTMENT OF STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to adjustment of status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS TO ACCORD FIRST PREFERENCE STATUS TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, petitions to accord first preference status to certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF NATIONAL COUNCIL ON THE ARTS

A letter from the Chairman, National Council on the Arts, Washington, D.C., transmitting, pursuant to law, a report of that Council, for 1964–65 (with an accompanying report); to the Committee on Labor and Public Welfare.

CONCURRENT RESOLUTION OF KENTUCKY LEGISLATURE

The PRESIDENT pro tempore laid before the Senate a concurrent resolution of the Legislature of the State of Kentucky; which was referred to the Committee on the Judiciary:

SENATE RESOLUTION 8

Concurrent resolution applying to the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States

Be it resolved by the Senate of the Commonwealth of Kentucky (the House of Representatives concurring therein), That the general assembly respectfully applies to the

Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States.

"ARTICLE —

"SECTION 1. Nothing in this Constitution shall prohibit any State which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

"SEC. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress"; Be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State.

HARRY LEE WATERFIELD,
President of the Senate.
SHELBY MCCALLUM,
Speaker, House of Representatives.

Attest:

JOHN W. WILLIS,
Chief Clerk of Senate.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 2603. A bill for the relief of James R. Kemp; to the Committee on the Judiciary.

By Mr. HART:

S. 2604. A bill for the relief of Marcelo Canlas; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2605. A bill for the relief of Herminia F. Tambaoan; to the Committee on the Judiciary.

By Mr. MOSS:

S. 2606. A bill for the relief of Box Elder County School District, Utah; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2607. A bill for the relief of Mrs. Machi Miyake; and

S. 2608. A bill for the relief of Mrs. Kameo Kaneshiro; to the Committee on the Judiciary.

By Mr. MORSE:

S. 2609. A bill to amend section 302 of the Labor Management Relations Act, 1947, to broaden the permissible uses of trust funds to which employers contribute, and for other purposes; to the Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 322. An act for the relief of Choy-Sim Mah;

S. 611. An act for the relief of certain employees of the Mount Edgecumbe Boarding School, Alaska;

S. 779. An act for the relief of Henryka Lyska;

S. 903. An act to amend the Communications Act of 1934, as amended, with respect to painting, illumination, and dismantlement of radio towers;

S. 1012. An act for the relief of Dr. Otto F. Kernberg;

S. 1397. An act for the relief of Vasileos Koutsougeanopoulos;

S. 1775. An act for the relief of Erich Gansmuller;

S. 1873. An act for the relief of Mrs. Clara W. Dollar; and

S. 2273. An act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes.

The message also announced that the House had passed the bill (S. 2118) to amend sections 9 and 37 of the Shipping Act, 1916, and subsection O of the Ship Mortgage Act, 1920, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1516) to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to enter into contracts for the inspection, maintenance, and repair of fixed equipment in federally owned buildings for periods not to exceed 5 years, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 9247. An act to provide for participation of the United States in the HemisFair 1968 Exposition to be held at San Antonio, Tex., in 1968, and for other purposes; and

H.R. 10238. An act to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7059) to amend the act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79–79(e)), to authorize such appropriations to the Smithsonian Institution as are necessary in carrying out its functions under said act, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 969. An act to authorize redetermination under the Civil Service Retirement Act of annuities of certain reemployed annuitants;

H.R. 1240. An act for the relief of Harry C. Engle;

H.R. 1317. An act to provide for the free entry of a mass spectrometer which was imported during May 1963 for the use of Stanford University, Stanford, Calif.;

H.R. 1386. An act to provide for the free entry of one mass spectrometer for the use of Pomona College;

H.R. 1582. An act to remove a restriction on certain real property heretofore conveyed to the State of California;

H.R. 1781. An act to amend section 113(a) of title 28, United States Code, to provide that Federal District Court for the Eastern District of North Carolina shall be held at Clinton;

H.R. 2627. An act for the relief of certain classes of civilian employees of naval installations erroneously in receipt of certain wages due to misinterpretation of certain personnel instructions;

H.R. 2565. An act to provide for the free entry of one mass spectrometer for the use of the University of Chicago;

H.R. 2653. An act to provide that the U.S. District Court for the District of Connecticut shall also be held at New London, Conn.;

H.R. 3126. An act to provide for the free entry of one mass spectrometer for the University of Washington;

H.R. 3689. An act for the relief of Juanita Cereguine de Burgh;

H.R. 3875. An act for the relief of Mrs. Panagiota Vastakis and Soteros Vastakis;

H.R. 3905. An act for the relief of Bibi Daljeet Kaur;

H.R. 4743. An act for the relief of Ralph Tigno Edquid;

H.R. 4832. An act to provide for the free entry of a mass spectrometer for the use of Saint Louis University;

H.R. 4911. An act for the relief of Lt. Col. Jack F. Orend;

H.R. 5213. An act for the relief of Winston Lloyd McKay;

H.R. 5217. An act to permit the vessel *Little Nancy* to be documented for use in the coastwise trade;

H.R. 5973. An act for the relief of Edwin F. Hower;

H.R. 6590. An act for the relief of Arthur Hill;

H.R. 6655. An act for the relief of Pieter Cornelis Metzelaar;

H.R. 6666. An act to provide for the free entry of a 90-centimeter split-pole magnetic spectrograph system with orange-peel internal conversion spectrometer attached for the use of the University of Pittsburgh;

H.R. 6720. An act for the relief of Ping-Kwan Fong;

H.R. 6906. An act to provide for the free entry of one mass spectrometer and one split pole spectrograph for the use of the University of Rochester, Rochester, N.Y.;

H.R. 7169. An act to amend the Securities Act of 1933 with respect to certain registration fees;

H.R. 7446. An act for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Norfolk Naval Shipyard, Portsmouth, Va.;

H.R. 7667. An act for the relief of Donald F. Farrell;

H.R. 7919. An act to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes;

H.R. 8135. An act for the relief of Jennifer Rebecca Siegel;

H.R. 8232. An act to provide for the free entry of one mass spectrometer-gas chromatograph for the use of Oklahoma State University, Stillwater, Okla.;

H.R. 8272. An act to provide for the free entry of an isotope separator for the use of Princeton University, Princeton, N.J.;

H.R. 8829. An act for the relief of S. Sgt. Robert E. Martin, U.S. Air Force (retired);

H.R. 9495. An act to increase the appropriation authorization for the Franklin Delano Roosevelt Memorial Commission, and for other purposes;

H.R. 9903. An act to provide for the free entry of one multigap magnetic spectrograph for the use of Yale University;

H.R. 10198. An act to amend the requirements relating to lumber under the Shipping Act, 1916;

H.R. 10327. An act to require operators of ocean cruises by water between the United States, its possessions and territories, and foreign countries to file evidence of financial security and other information;

H.R. 10338. An act for the relief of Joseph B. Stevens;

H.R. 10403. An act for the relief of Edward F. Murzyn and Edward J. O'Brien;

H.R. 10405. An act for the relief of Col. Donald J. M. Blakeslee and Lt. Col. Robert E. Wayne, U.S. Air Force;

H.R. 10612. An act for the relief of Capital Transit Lines, Inc., of Salem, Oreg.;

H.R. 10774. An act to amend section 302 of the Labor Management Relations Act, 1947, to broaden the permissible uses of trust funds to which employers contribute, and for other purposes;

H.R. 10779. An act to authorize the Pharr Municipal Bridge Corp. to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Tex.;

H.R. 10878. An act for the relief of Anderson G. Matsler, senior master sergeant, U.S. Air Force, retired;

H.R. 11029. An act relating to the tariff treatment of certain woven fabrics;

H.R. 11096. An act to authorize the disposal of graphite, quartz crystals, and lump steatite talc from the national stockpile or the supplemental stockpile, or both; and

H.R. 11303. An act to amend section 18 of the Civil Service Retirement Act, as amended.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 306. An act to amend the Clean Air Act to require standards for controlling the emission of pollutants from certain motor vehicles, to authorize a research and development program with respect to solid-waste disposal, and for other purposes;

S. 322. An act for the relief of Choy-Sim Mah;

S. 611. An act for the relief of certain employees of the Mount Edgecumbe Boarding School, Alaska;

S. 779. An act for the relief of Henryka Lyska;

S. 903. An act to amend the Communications Act of 1934, as amended, with respect to painting, illumination, and dismantlement of radio towers;

S. 1012. An act for the relief of Dr. Otto F. Kernberg;

S. 1397. An act for the relief of Vasileos Koutsougeanopoulos;

S. 1576. An act to amend the act of May 17, 1954 (68 Stat. 98), as amended, providing for the construction of the Jefferson National Expansion Memorial at the site of old St. Louis, Mo., and for other purposes;

S. 1689. An act to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931 (16 U.S.C. 502);

S. 1775. An act for the relief of Erich Gansmuller;

S. 1856. An act to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps;

S. 1873. An act for the relief of Mrs. Clara W. Dollar;

S. 2273. An act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes;

H.R. 724. An act to authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General;

H.R. 3045. An act to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations;

H.R. 5665. An act to authorize disbursing officers of the Armed Forces to advance funds to members of an armed force of a friendly foreign nation, and for other purposes;

H.R. 6165. An act to repeal section 165 of the Revised Statutes relating to the appointment of women to clerkships in the executive departments;

H.R. 7329. An act to provide for the conveyance of certain real property of the United States to the city of San Diego, Calif.;

H.R. 9336. An act to amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba;

H.R. 9975. An act to authorize the shipment, at Government expense, to, from, and within the United States and between oversea areas of privately owned vehicles of deceased or missing personnel, and for other purposes;

H.R. 10234. An act to amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments;

H.R. 10871. An act making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes; and

S.J. Res. 69. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 969. An act to authorize redetermination under the Civil Service Retirement Act of annuities of certian reemployed annuitants; to the Committee on Post Office and Civil Service.

H.R. 1240. An act for the relief of Harry C. Engle;

H.R. 1781. An act to amend section 113(a) of title 28, United States Code, to provide that Federal District Court for the Eastern District of North Carolina shall be held at Clinton;

H.R. 2627. An act for the relief of certain classes of civilian employees of naval installations erroneously in receipt of certain wages due to misinterpretation of certain personnel instructions;

H.R. 2653. An act to provide that the U.S. District Court for the District of Connecticut shall also beheld at New London, Conn.;

H.R. 3689. An act for the relief of Juanita Cereguine de Burgh;

H.R. 3875. An act for the relief of Mrs. Panagiota Vastakis and Soteros Vastakis;

H.R. 3905. An act for the relief of Bibi Daljeet Kaur;

H.R. 4743. An act for the relief of Ralph Tigno Edquid;

H.R. 4911. An act for the relief of Lt. Col. Jack F. Orend;

H.R. 5213. An act for the relief of Winston Lloyd McKay;

H.R. 5973. An act for the relief of Edwin F. Hower;

H.R. 6590. An act for the relief of Arthur Hill;

H.R. 6655. An act for the relief of Pieter Cornelis Metzelaar;

H.R. 6720. An act for the relief of Ping-Kwan Fong;

H.R. 7446. An act for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Norfolk Naval Shipyard, Portsmouth, Va.;

H.R. 7667. An act for the relief of Donald F. Farrell;

H.R. 8135. An act for the relief of Jennifer Rebecca Siegel;

H.R. 8829. An act for the relief of S. Sgt. Robert E. Martin, U.S. Air Force (retired);

H.R. 10338. An act for the relief of Joseph B. Stevens;

H.R. 10403. An act for the relief of Edward F. Murzyn and Edward J. O'Brien;

H.R. 10405. An act for the relief of Col. Donald J. M. Blakeslee and Lt. Col. Robert E. Wayne, U.S. Air Force;

H.R. 10612. An act for the relief of Capital Transit Lines, Inc., of Salem, Oreg.; and

H.R. 10878. An act for the relief of Anderson G. Matsler, senior master sergeant, U.S. Air Force, retired; to the Committee on the Judiciary.

H.R. 1317. An act to provide for the free entry of a mass spectrometer which was imported during May 1963 for the use of Stanford University, Stanford, Calif.;

H.R. 1386. An act to provide for the free entry of one mass spectrometer for the use of Pomona College;

H.R. 2565. An act to provide for the free entry of one mass spectrometer for the use of the University of Chicago;

H.R. 3126. An act to provide for the free entry of one mass spectrometer for the University of Washington;

H.R. 4832. An act to provide for the free entry of a mass spectrometer for the use of St. Louis University;

H.R. 6666. An act to provide for the free entry of a 90-centimeter split-pole magnetic spectrograph system with orange-peel internal conversion spectrometer attached for the use of the University of Pittsburgh;

H.R. 6906. An act to provide for the free entry of one mass spectrometer and one split-pole spectrograph for the use of the University of Rochester, Rochester, N.Y.;

H.R. 8232. An act to provide for the free entry of one mass spectrometer-gas chromatograph for the use of Oklahoma State University, Stillwater, Okla.;

H.R. 8272. An act to provide for the free entry of an isotope separator for the use of Princeton University, Princeton, N.J.;

H.R. 9903. An act to provide for the free entry of one multigap magnetic spectrograph for the use of Yale University; and

H.R. 11029. An act relating to the tariff treatment of certain woven fabrics; to the Committee on Finance.

H.R. 1582. An act to remove a restriction on certain real property heretofore conveyed to the State of California;

H.R. 5217. An act to permit the vessel *Little Nancy* to be documented for use in the coastwise trade;

H.R. 10198. An act to amend the requirements relating to lumber under the Shipping Act, 1916; and

H.R. 10327. An act to require operators of ocean cruises by water between the United States, its possessions and territories, and foreign countries to file evidence of financial security and other information; to the Committee on Commerce.

H.R. 7919. An act to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9495. An act to increase the appropriation authorization for the Franklin Delano Roosevelt Memorial Commission, and for other purposes; to the Committee on Rules and Administration.

H.R. 10774. An act to amend section 302 of the Labor Management Relations Act, 1947, to broaden the permissible uses of trust funds to which employers contribute, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 10779. An act to authorize the Pharr Municipal Bridge Corp. to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Tex.; to the Committee on Foreign Relations.

H.R. 11096. An act to authorize the disposal of graphite, quartz crystals, and lump steatite talc from the national stockpile or the supplemental stockpile, or both; to the Committee on Armed Services.

H.R. 11303. An act to amend section 18 of the Civil Service Retirement Act, as amended; placed on the calendar.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorial, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Statement relating to publication of the book entitled "What Now for Free China?" written by Dr. Diosdado M. Yap.

BIRTHDAY GREETINGS TO SENATOR McNAMARA

Mr. HART. Mr. President, because I was attending two long-scheduled hearings by the Parks Subcommittee of the House of Representatives, on Monday at the Sleeping Bear at Travers City in the Lower Peninsula of Michigan, and yesterday at Pictured Rocks, at Marquette the Upper Peninsula, I could not participate in the very delightful exchange which the RECORD of Monday reports. Many of my fellow Senators expressed birthday congratulations to the senior Senator from my State [Mr. McNAMARA]. I wish very much that I had been able to join, and I now echo all the good wishes and praise and affection then voiced.

In our relationships here in the Senate, I am sure that all Senators understand that no junior Senator is more fortunate than the junior Senator from Michigan, in having for his senior colleague, PAT McNAMARA.

All the good things that were spoken about him I would underline. I hope that that senior-junior relationship will continue for a long, long time. It will be to my very great personal pleasure and good fortune. In the nature of things many people confuse frequent speeches and flashy phrases for sound action and solid accomplishment.

PAT McNAMARA has not burdened the Senate with excess words. He has, however, bequeathed the Nation an impressive number of beneficial programs.

If he has not enjoyed his full share of credit, it is because in this business praise often fails to find those who do not actively seek it. And PAT McNAMARA seeks only results; he is completely indifferent to puffs that feed vanity.

But this fact remains clear: No one who takes the trouble to examine PAT McNAMARA's record can fail to be impressed with his thoughtfulness, his sencerity—and his effectiveness.

In my opinion, every citizen of America—certainly every citizen of Michigan—owes PAT McNAMARA a heartfelt "thank you."

I take this opportunity to submit mine.

CONGRESSIONAL DISTINGUISHED SERVICE AWARDS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Mr. KUCHEL. Mr. President, in an impressive ceremony, the American Political Science Association recently honored four of our colleagues—Senators JOHN SHERMAN COOPER and JOHN O. PASTORE, and Representatives WILLIAM McCULLOCH and WILBUR D. MILLS—for outstanding public service. All Members join in applauding these choices for the 1965 Congressional Distinguished Service Awards. Others will want to join in expressing appreciation to the sponsors of an award that, in addition to recognizing individual excellence, dramatizes and reinforces the role of the Congress in our governmental system.

The association began making such awards, first proposed by a former colleague of ours, Senator William Benton, in 1959. They have been presented every 2 years since then on a bipartisan basis, to a Republican and a Democrat from each House of Congress, under terms of a grant from the William Benton Foundation. Because their basic purpose is to recognize individual service of distinction, which might otherwise go unnoticed, it is the practice to exclude the formal leadership of both Houses from consideration for the awards. In choosing winners, a selection committee composed of college presidents and political scientists weighs the following attributes of the legislator:

Devotion to the public welfare, combined with a fine grasp of legislative skills.

Competence and effectiveness, measured in terms of concrete accomplishment.

Constructive imagination, hardheaded acumen, and the ability to harmonize national and local interests.

Worth of the individual as indicated by the respect of his colleagues.

Mr. President, each of the 1965 recipients has measured up to these rigorous standards; each has been responsive to the needs of his State or congressional district; each has worked hard to acquire the knowledge regained for effective legislative service; each has demonstrated his dedication to the public welfare.

Senator COOPER was cited for inspiring and vigorously supporting a program of aid to the Appalachian region. The citation continues:

> In keeping with his own integrity and independence of mind, he was successful in his sponsorship of a select Senate committee on standards and conduct. Courtly and earnest, determined in pressing his views yet tolerant of the values of others, he is held in affectionate esteem by all with whom he has been associated—as a Senator, Ambassador to India, and Delegate to the United Nations.

Senator PASTORE was recognized as an authority on the development and application of atomic energy, who was highly persuasive in his arguments for the nuclear test ban treaty. Further, the citation states:

> As a comanager of the civil rights bill in 1964, he contributed both the creative imagination and the painstaking detail work required to sustain a major legislative effort. Dynamic and unafraid, accessible and effective, he exemplifies the best traditions of elective public office.

Representative McCULLOCH was cited for his role in enactment of civil rights legislation, as follows:

> Meticulous in his attention to the finer points of law, he assumed a pivotal role in development and passage of the Civil Rights Act of 1964, exercising patient skill in harmonizing widely divergent viewpoints in committee and maintaining close consultation with the Senate and the executive branch. For his demonstrated integrity, for his resoluteness of purpose—and for his gentle wit—he has the admiration and affection of his colleagues in both parties.

Representative MILLS was recognized as an authority on Government finance, as a legislative craftsman, and as a responsive committee chairman. His citation reads, in part, as follows:

> In 1963 and 1964, despite continuing controversy over national economic policy, he helped to formulate and to guide toward enactment one of the most important tax reduction bills in our history. Prudent and calm under pressure, he is recognized by proponent and opponent alike for his courteous consideration of the views of all who appear before his committee.

Mr. President, presentation of the awards was a highlight of the association's 61st annual meeting, which brought some 3,000 political scientists from throughout the Nation to Washington the week of September 6–11. As I mentioned earlier in my remarks, it was an impressive ceremony. All of the 1965 award winners and several from previous years were present, including Vice President HUBERT H. HUMPHREY, a recipient of the award in 1959; former Senator Kenneth Keating, also recognized in 1959 when he was a Member of the other body; Senators GEORGE AIKEN, PAUL DOUGLAS, and LEVERETT SALTONSTALL; and Representatives RICHARD BOLLING and GEORGE MAHON.

Appropriately, the association invited Senator EVERETT DIRKSEN to represent congressional leadership, recognizing at the same time his own contributions to the quality of American life over a long and distinguished career.

While these awards go to the individual Members, it is clear that they have wider implications. They point up the fact that our free elective system produces in Congress public servants of great ability and varied talents. Similarly, they emphasize once again the fact that Congress offers a wider scope to the capacities of its Members than any other legislative body in the world. And perhaps most significantly, they call attention in a dramatic way to the vital importance of the legislative branch in our democracy.

That these educational goals are important to the Congressional Distinguished Service Award sponsors is apparent from the great dignity with which the ceremony was conducted, from the careful preparation of the citations, and from the introductory comments of Ralph K. Huitt, a noted scholar of Congress who made the formal presentation. I believe that my colleagues will be interested in Mr. Huitt's remarks as well as the complete texts of the citations. I ask unanimous consent to have this material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS IN PERSPECTIVE

(Address by Ralph K. Huitt at the Distinguished Congressional Awards Presentation, American Political Science Association, September 10, 1965)

Tonight the American Political Science Association pays tribute to Congress. It is true that not all political scientists have praised Congress all the time. I think perhaps my own experience has been shared by other members of our discipline. When I finished graduate school, I believed profoundly that the surest way to solve the problems of the American people was for the States to surrender most of their powers to the National Government and for Congress to defer to the will of the Executive. In my years as a teacher I have turned 180 degrees: I now place great value on State and local governments and I am a champion of the diversity and dispersed power represented by Congress.

Of course my sentiments may change again. The other day when the President announced my appointment to an executive office he said that Secretary Gardner was going to "feed me to Congress." Perhaps it is just as well that I talk tonight while I still love Congress.

The Congress of the United States presents a paradox.

On the one hand, it probably is the most criticized public institution in America. When it is slow to act it is called do-nothing, obstructionist, and archaic. When it moves swiftly to pass a large program of legislation, as it has this year, it still is criticized.

But today I heard a variation on the old theme. A Member of Congress was explaining why he supported the President's veto on the military construction bill. He said, "This has been a productive and creative Congress. We have passed dozens of bills and sent them down to the White House. The President has signed every one of them. He's a rubberstamp President. Now that he has taken a little initiative I think we ought to encourage him."

The paradox is that while Congress is roundly criticized it is without question one of the most successful political institutions in the world. Today Congress exercises all the powers intended for it by the framers of the Constitution. It still is a powerful and respected partner in the grand triune.

Consider what has happened to other legislative bodies in the period of the life of Congress. The House of Commons in England has conquered the Crown, reduced the House of Lords to impotence, and in turn has fallen victim to its own creature, the Prime Minister. In the same time, the French legislature has had to adapt itself, if my count is right, to three kings, two emperors, five republics, and one Charles de Gaulle.

Meanwhile, Congress has held its own. It is today the most powerful and respected representative assembly in the world.

This is not to say that Congress has not been tested. On the contrary, it has met the great tests of American history. In its lifetime we have absorbed 40 million immigrants and made them Americans. We have expanded from a tiny cluster of States on the eastern seaboard to a great continent-wide empire. From the day when the only Federal official most people ever saw was the postman, we have built a National Government which regulates and promotes the welfare of our people from the cradle to the grave. We have fought wars, survived depressions, and weathered the worst test a political system can sustain, a civil war.

Congress has met these trials with substantially the structure and procedures planned for it in the Constitution.

Those who would change the American Congress into a carbon copy of a parliamentary system ought to talk to foreign legislators. They are envious of the prestige and influence of the American Congressman. They would like to get that kind of respect for themselves at home. Last summer I sat in conference with some Canadian Members of Parliament who listened unbelieving while a minority party Member of Congress described how he had taken an idea of a constituent and in a year's time got it enacted into law.

But what has struck me about the books and articles and statements of members of parliamentary systems who want to increase respect for themselves is that they are not willing to face the facts of life. In politics, respect goes with power. Congress is powerful. Many individual Congressmen are powerful, and a few are powerful indeed.

The bases of congressional power rest, I think, on two basic principles in the American Constitution.

The first is the principle of separation of powers.

It is true that powers are not really separated in our system. Congress, the President, and the courts all share in legislation and administration in a way that defies explanation. The powers of the Federal Government are commingled among the three great branches.

What we have is not a separation of powers but a separation of institutions, of personnel. The Constitution clearly says that no Member of Congress may serve in the executive establishment and vice versa. This means that if Congress is to maintain its position as a coequal branch it must have a mechanism for independent consideration of legislation and its own sources of information. The British House of Commons can accept the statements of the bureaucracy because its own leaders are the heads of the principal departments. This is not and cannot be true of either House of Congress.

The result has been the standing committee with specialized jurisdiction. But the standing committees have come to be much more than agents for information gathering and independent consideration. They are bastions of power. They cannot be captured by the party leadership or anyone else.

Those persons who would transform Congress into a parliamentary body are correct when they assume that a centralized party leadership in Congress could only fall prey to the executive. Congress would go the way of other legislatures.

It is true that the results of a centralized power in Congress are somewhat erratic, but what is enormously important to the working of the American system is the strengthening of diversity and the provision of many points of access to people who want to try to influence their Government.

The second basic principle affecting the power of Congress is federalism.

Federalism provides a local base of power for the individual Congressman. No national party leadership can hurt him very much if his constituents are happy with him, nor help him if they are not.

The great experiment in responsible party government in our time was tried not by academic theorists but by Franklin Roosevelt, the most popular vote-getter of his time. Mr. Roosevelt presented to Democrats the reasonable proposition that if they wanted him to enact his program they should send him Democrats who would support it. He tried to purge eight Members of Congress. You remember the result: only one was defeated and there is no proof that Mr. Roosevelt caused that.

This is a lesson no practical politician in the country can fail to understand.

So it is that the Member courts his constituency. The baby books, the congratulatory letters, the favors go out in a steady stream.

Not many Congressmen will do what one friend of mine did. He got a letter at least once a week from a constituent who always found fault with him. One afternoon, at the end of a hot and frustrating day, the Congressman got a letter which ended this way: "I want you to know that if you were St. Peter I would not vote for you again." The Congressman scrawled across the bottom of the letter: "Don't worry, Buddy. If I were St. Peter you would not be in my district."

Many Members have felt that way but few would go that far. The source of the strength and independence of the individual Member is the tie he has with the people at home.

How good is Congress? The truth is no one can tell. It is not possible to extract Congress from the political system of which it is a part. It performs many of the same functions for the American people that the other branches do and these tasks are shared with political parties, interest groups, the press, and other American institutions

Moreover, we cannot devise tests to determine how effective a political institution is until we can say with confidence what services the institution performs for the whole political system. But there are political functions which Congress shares which it seems especially fitted to perform.

Like the other branches of government, it helps to resolve conflict. But sometimes it is at its best when it avoids conflict, when it postpones or evades an issue which the society is not yet ready to face. The legislature is particularly suited to give a half-loaf or to avoid action while seeming to take action.

Again, Congress furnishes catharsis for those members of society who are disaffected and cannot otherwise find relief. Individuals in the larger society whose causes cannot prevail identify with their heroes on the floors of Congress.

The "errand boy function," which has received so much criticism, actually provides a vital link between the great government in Washington and people in society. It is important for an individual to believe that he can have ready access to his government, and that he can get a speedy reply which he understands.

All this suggests, I think, that while Congress is known as a lawmaking body the actual enactment of legislation may be a relatively small function in comparison with others which it performs.

In any final casting up, it is well to remember that the representative assembly is one of the great creations of freemen and that its historic mission is not efficiency in government but the maintenance of freedom. Measured against the tests of American experience, Congress has performed this mission very well.

JOHN SHERMAN COOPER: 1965 CONGRESSIONAL DISTINGUISHED SERVICE AWARD CITATION

Unwavering in faith in his fellow man, compassionate and innovative, JOHN SHERMAN COOPER is both a perceptive statesman and a capable servant of his constituents.

Alert and responsive to the needs and interests of his State and section, his outlook is nonetheless essentially national and international. Consonant with his deep concern for the less fortunate, he inspired and vigorously supported a program of aid to the Appalachian region. In keeping with his own integrity and independence of mind, he was successful in his sponsorship of a select Senate committee on standards and conduct. Courtly and earnest, determined in pressing his views yet tolerant of the values of others, he is held in affectionate esteem by all with whom he has been associated—as a Senator, Ambassador to India, and delegate to the United Nations.

The American Political Science Association takes great pleasure in presenting this

Congressional Distinguished Service Award to JOHN SHERMAN COOPER, Republican, of Kentucky—a candid and friendly individualist, versatile intellectual, and distinguished statesman whose honesty and foresight reflect credit on our freely elected legislative institutions.

JOHN O. PASTORE: 1965 CONGRESSIONAL DISTINGUISHED SERVICE AWARD CITATION

With his flair for pungent and informed expression, JOHN O. PASTORE consistently enlivens—and enlightens—debate of public policy issues in the U.S. Senate.

One of the truly great orators in Congress, he substitutes frankness for cant and confronts illusion with fact, delineating alternative courses of action and pointing up their implications for future generations of Americans. An acknowledged authority on the development and application of atomic energy, he was highly persuasive in his arguments for the nuclear test ban treaty. As a comanager of the civil rights bill in 1964, he contributed both the creative imagination and the painstaking detail work required to sustain a major legislative effort. Dynamic and unafraid, accessible and effective, he exemplifies the best traditions of elective public office.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to JOHN O. PASTORE, Democrat, of Rhode Island—a constructive partisan, forceful advocate, and tenacious legislator whose diligence brings our Nation ever nearer to the realization of our democratic ideals.

WILLIAM M. MCCULLOCH: 1965 CONGRESSIONAL DISTINGUISHED SERVICE AWARD CITATION

Without fanfare and unmindful of the exigencies of narrow partisan advantage, WILLIAM M. MCCULLOCH works tirelessly and effectively to improve the quality of American life.

Consistent with his commitment to basic constitutional principles, he seeks to maintain the delicate balance between individual freedom, State responsibility, and Federal action. Meticulous in his attention to the finer points of law, he assumed a pivotal role in development and passage of the Civil Rights Act of 1964, exercising patient skill in harmonizing widely divergent viewpoints in committee and maintaining close consultation with the Senate and the executive branch. For his demonstrated integrity, for his resoluteness of purpose—and for his gentle wit—he has the admiration and affection of his colleagues in both parties.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to WILLIAM M. MCCULLOCH, Republican, of Ohio—an unassuming scholar of the law, master of technical detail, and champion of human rights who has given his State and Nation more than 30 years of honorable and constructive service.

WILBUR D. MILLS: 1965 CONGRESSIONAL DISTINGUISHED SERVICE AWARD CITATION

Scrupulously fair and superbly skillful in committee, articulate and informed on the House floor, WILBUR D. MILLS is universally respected as a legislative craftsman.

Unrelenting in his attention to the details of public policy, he has initiated and shaped programs affecting the welfare of all Americans—in the fields of taxation, tariff and trade policy, debt management, social security, and health care. In 1963 and 1964, despite continuing controversy over national economic policy, he helped to formulate and to guide toward enactment one of the most important tax reduction bills in our history. Prudent and calm under pressure, he is recognized by proponent and opponent alike for his courteous consideration of the views of all who appear before his committee.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to WILBUR D. MILLS, Democrat, of Arkansas—a conscientious legislator, authority on Government finance, and responsive committee chairman whose sense of dedication is of inestimable value to the Nation.

THE CALIFORNIA REPUBLICAN LEAGUE

Mr. KUCHEL. Mr. President, following the 1964 election, a group of concerned Republicans gathered together to create a new volunteer organization with which those Republicans who wish a forward-looking party could affiliate themselves. This organization, the California Republican League, has been working actively now for almost half a year. More than 50 chapters have been formed throughout the State. Several thousand Republicans have joined.

The California Republican League was not designed to back any particular candidate or candidates. Rather, it was established in order to provide a vehicle for discussion and for action for those Republicans who desire to rebuild their party—and thus revitalize the two-party system—so that it can meet effectively and realistically at the local, State, and National levels, the very real challenges which exist today.

On August 28, 1965, the President's Council of the CRL met and adopted various resolutions relating to issues which should be of concern to all Californians.

I ask unanimous consent to have a set of these resolutions printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

JOHN BIRCH SOCIETY

Whereas, the John Birch Society in structure and in practice is a monolithic society; and

Whereas such a structure is a violation of the basic political philosophy of the United States of America and a repugnant growth on the body politic; and

Whereas the president and founder of the John Birch Society has stated "the men and women who join the John Birch Society during the next few months or few years are going to do so primarily because they believe in me"; and

Whereas the president of the John Birch Society has attacked the Civil Rights Act of 1965 as being Communist inspired; and

Whereas the president and founder of the John Birch Society has declared "the two sides to every question bit is folly-nonsense" contravening the basic philosophy of our American system of debate and compromise: Be it hereby

Resolved, That the California Republican League reaffirms its premise that there is no compatibility in membership of the Republican Party and the stated philosophy of the John Birch Society and reaffirms its intention to exclude John Birch Society members from the California Republican League.

CIVIL RIGHTS

Whereas the Republican Party is the traditional champion of civil rights;

Whereas the seeds of racial hatred, discrimination and frustration, however inspired, are a continuing plague to all elements of society;

Whereas a solution, in contrast to prolonged and aggravated frustrations, requires a responsible combination of governmental and private efforts;

Whereas the disastrous consequences of recent racial disturbances attest to the compelling need for biracial rapprochement between the Caucasian and minority communities;

Whereas the ambitions of minority peoples to compete fairly and evenly for jobs and housing represent a political and social challenge to which the Republican Party dedicates its every energy;

Whereas the unity of social legislation and private citizen involvement is necessary for expansion of minority opportunity and elimination of racial discrimination:

Resolved, That the California Republican League unqualifiedly endorses the enactment of the Civil Rights Acts of 1964 and the Voting Rights Act of 1965 and urges that vigorous steps be taken by the Department of Justice to implement same, and that Senators KUCHEL and DIRKSEN be commended for their vigorous leadership in the passage of this legislation.

EXTREMISM

Whereas the Republican Party has always advocated the free exchange of ideology and philosophy within the total political spectrum; and

Whereas such free debate and compromise is the hallmark of responsible Americanism; and

Whereas the abuse of this basic tradition is becoming manifest by extremist political splinter groups of the left and right, utilizing the established party labels; and

Whereas such irresponsible acts, statements and attacks on American traditions, institutions, and loyal citizens is totally improper and reprehensible: Therefore, be it

Resolved, The President's Council of the California Republican League condemns such actions, and those who perpetrate them, without reservation, regardless of political label or position within the political spectrum.

DEMOCRATIC LEADERSHIP

The sorry spectacle of the 1965 legislative session under the Democratic leadership in Sacramento is a blight upon the greatest State in the Nation. The floundering indecision of Governor Brown and his administration cries out for new leadership in the statehouse. Juggling of public funds, budget manipulations, constantly rising taxes, a soaring crime rate, an utter lack of a constructive program in any field, and a bitter power feud between Democratic leadership in the legislature and the administration cripple California.

Republican legislative leadership has pointed the way to returning California to the road of progress. Republican legislators produced constructive programs to fight crime, trim the budget, and approach social welfare needs in an effective manner, and hold the line on taxes. We commend the Republicans in the assembly and senate who fought for fiscal sanity and public safety.

BRACEROS

The abolition of the bracero program places upon the Federal Government a solemn obligation to see to it that the promise is redeemed that there will be enough workers to harvest California's fruit and vegetables at prices which the consumers can afford to pay.

The California Republican League is dismayed at the mishandling of California's agricultural problems by the Democratic National and State administrations and commends Senator GEORGE MURPHY for his untiring efforts to protect California's vital agricultural industry.

LT. GOV. GLEN ANDERSON

We call upon Lt. Gov. Glen Anderson to explain the inordinately long delay before responding to a formal request to send the National Guard into the riot-torn Los Angeles area.

POVERTY PROGRAM

We agree with the concept that poverty in America must be eliminated by a coordinated program; however, the administration's presently ill-defined and uncoordinated efforts are wide open to abuse as a patronage vehicle for Democratic officeholders. The spoils system abolished some 85 years ago by the establishment of the civil service by a Republican administration appears to have its revival under the guise of helping the poor. A true poverty program should be as nonpartisan as poverty itself.

STATE CENTRAL COMMITTEE APPOINTMENTS

Whereas the California Republican League believes in recognizing Republican candidates who have been elected by the voters in their districts; and

Whereas the California Republican League believes in an even closer and more responsible relationship between the State central committee and county central committees:

The California Republican League calls upon the California State Legislature: (1) to retain the present provision in the election code which permits each incumbent legislator to appoint eight members to the State central committee, and (2), to amend the election code to permit each county chairman to appoint one member to the State central committee.

SO-CALLED LIBERTY AMENDMENT

The provisions of the proposed so-called liberty constitutional amendment are not in keeping with Republican principles of fiscal responsibility. This is a proposal to completely repeal the income tax. This is not to condone all present or proposed administration expenditures, but in addition to the recent tax reductions and repeals at the Federal level, we especially want reform of the present internal revenue code. (Submitted by the Beverly Hills Chapter.)

VIETNAM

The involvement of the United States in the Vietnamese struggle for freedom is one of the most crucial issues facing the American people today. Its outcome will affect the fate of free people everywhere. As the leaders of the free world, the burden of its defense must necessarily rest with us.

The California Republican League joins with the leaders of the Republican Party in Congress in vigorously affirming its support of the President in his decision to remain in Vietnam until the Communist forces withdraw and permit the South Vietnamese to choose freely their own form of government.

We recognize the necessity for free debate of our Vietnam policy as of any other policy of our Government, but cannot condone the neo-isolationism echoed by a number of prominent Democrats who would rather accept a Far Eastern Munich than face America's obligations as a bulwark of the free world.

IMMIGRATION REFORM BILL

Whereas it is well known that our present immigration laws discriminate in favor of northern Europe; and

Whereas this is done by means of a national origins quota system which caused about 70 percent of the U.S.-bound immigrants to come from northern Europe: Therefore, be it

Resolved, That the California Republican League go on record as opposing the national origins quota system and supporting the immigration reform bill which is now before the Congress. (Submitted by the Orange County Chapter.)

ANNUAL SESSIONS OF LEGISLATURE

Whereas the California Legislature is faced with an annual consideration of a complex budget in excess of $4 billion; and

Whereas the problem of California education, water, highways, urban transportation, taxes and the like are in need of continuous study; and

Whereas the continuation of a "half time" legislature, expecting to attract the highest quality of men to its service with a "half time" salary, is unworthy of the Nation's largest State: Now therefore, be it

Resolved, That the President's Council of the California Republican League meeting at the Madonna Inn in San Luis Obispo on August 28, 1965, support the concept of and encourage introduction of legislation designed to effect annual sessions of the California Legislature, together with adequate compensation for the members commensurate with the responsibilities imposed upon them. (Submitted by the San Fernando Valley Chapter.)

CONSERVATION

Resolved, That the preservation of the natural beauty of California should be a primary goal of California's State government. The selection of highway routes, major utility transmission lines and new public construction projects deserve and require consideration of an independent State advisory commission, charged with the sole mission of preserving the beauty of California and the amenities of its natural environment and climate. The time is past when various State agencies charged with construction projects can be left with untrammeled discretion. With 600,000 new people coming into California each year, conservation has become one of the primary responsibilities of government. The Democratic leadership has talked, but not acted. We propose the establishment of a statewide conservation commission, made up of engineers, planners and conservationists. Such commission shall be given cognizance over all improvement projects, and shall sit as a board of mediation in disputes between State and local governments, thereafter submitting its recommendations to the Governor.

LABOR STATESMANSHIP HOLDS DOWN THE COST OF LIVING

Mr. PROXMIRE. Mr. President, as we discuss the repeal of section 14(b) of the Taft-Hartley Act, I am sure that there will be expressions on both sides of the question concerning the contribution which labor has made to price stability, or, on the other hand, to inflation.

In my judgment labor has made a constructive contribution to price stability, particularly in recent years.

I cite the evidence contained in the Monthly Labor Review for September 1965, published by the U.S. Department of Labor, Bureau of Labor Statistics, which states in part:

Over the last 5 years, 1959–64, for example, compensation per man-hour rose at an annual rate of 3.5 percent, substantially lower than the almost 6-percent-per-year gain over the previous 12 years and the 5-percent rate for the period as a whole. Over the same 5-year period, output per man-hour rose at a substantially higher rate (3.2 percent) than the 2.4-percent rate for the previous 12 years of the postwar period and the rate for the period as a whole.

The interplay of these patterns of growth has resulted in a rather distinct break in the direction of the postwar trend in unit labor costs. From a 3.2-percent annual rise in the first part of the period, the growth in unit labor costs changed to virtual stability in the latter part of the period—

In other words, the growth in unit labor costs has stopped. It has not contributed at all toward inflation over the past 5 or 6 years.

This is in part because of the wage-price guidelines which the administration has urged successfully upon labor and the administration deserves great credit for this success. But this positive contribution to price stability also is the result of labor's fine statesmanship, its remarkable recognition of how important unit labor costs are as a contribution toward price stability. After all this is a period of growing labor shortages among skilled workers that unions could have exploited to pressure up wages as sharply as they rose in the early part of the 1950's.

Let me also point out that the improvement in efficiency in this country is partly a result of depreciation guidelines and the other modernizing incentives which the administration has succeeded in getting through Congress—which this Congress and previous Congresses have enacted into law.

This unit labor cost stability is of great advantage to us in our balance of payments and in trade with the rest of the world.

And, Mr. President, an article published in the Monthly Labor Review which follows the one to which I have just referred, affirms and documents this labor contribution and I quote briefly from this Labor Review article:

From the standpoint of labor cost per unit of output, American manufacturers are now in a significantly better competitive position vis-a-vis foreign producers than they were in the late 1950's. This conclusion emerges from the most recent Bureau of Labor Statistics unit labor cost study covering trends in nine industrialized nations, and it takes account of changes in exchange rates in four of the countries.

Examining trends since 1950, the Bureau found that unit labor cost in manufacturing moved moderately upward over the entire period in six Western European countries, slowed considerably between 1957 and 1964 after early gains in the United States and Canada, and showed little net rise in Japan.

Mr. President, I ask unanimous consent to have these two articles, one entitled "Unit Labor Cost in Nine Countries," and the other "Cost Trends in Nine Industrial Nations," printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

UNIT LABOR COST IN NINE COUNTRIES—TWO RELATED STUDIES THAT EXAMINE RECENT TRENDS IN THE RATIO OF OUTPUT TO LABOR PAYMENTS

I. RECENT UNIT COST TRENDS IN U.S. MANUFACTURING

(By Jerome A. Mark and Elizabeth Kahn, of the Office of Productivity and Technological Developments, Bureau of Labor Statistics)

An examination of productivity series prepared earlier this year by the Bureau of Labor

Statistics and related data on compensation of employees discloses that unit labor costs in U.S. manufacturing have remained almost completely stable during the latter part of the period since World War II. This stability has been especially marked during the past 5 years, contrasting with substantial increases that occurred during the first part of the period. The change in the direction of this trend has accompanied greater-than-average increases in productivity and less-than-average increases in hourly compensation for all employees. For production workers, the change has been the result of declines in the rate of increase in hourly compensation.[1]

This article describes the new data that support such conclusions and discusses unit labor cost trends.

The new BLS series of indexes of output per man-hour in U.S. manufacturing[2] forms part of a consistent set of indexes covering the total private economy and the major sectors—agriculture, nonagriculture, manufacturing, and nonmanufacturing. The manufacturing series had not been published for several years pending the development of new output data.[3]

In the productivity-employee payments relationship, compensation of employees can be considered from two viewpoints—as a cost of production and as income of labor.[4] As a cost of production, the trend in employee compensation per hour can be compared with the trend in output per man-hour to determine what has happened to unit labor costs. Wage and salary increases (including fringe benefits) represent increases in unit labor costs only to the extent they are not met by comparable increases in output per man-hour. As costs, they are one component of the price of manufactured output. As income to labor, the trend in employee compensation per hour adjusted to reflect real purchasing power can be compared with the trend in output per man-hour to determine whether increases in real earnings have kept pace with productivity gains. The data are examined here from both viewpoints.

Labor costs

All employees: Over the entire postwar period 1947–64, compensation per man-hour of all employees in manufacturing rose at a rate of 5 percent per year.[5] All employee output per man-hour, on the other hand, rose half that amount. Employee compensation per unit of output (unit labor costs), the ratio of these two elements, therefore, also rose at a rate of 2.5 percent per year (table 1).

The overall relationships, however, conceal diverse movements of hourly compensation, hourly output and, hence, unit labor costs within the period.

Over the last 5 years, 1959–64, for example, compensation per man-hour rose at an annual rate of 3.5 percent, substantially lower than the almost 6-percent-per-year gain over the previous 12 years and the 5-percent rate for the period as a whole. Over the same 5-year period, output per man-hour rose at a substantially higher rate (3.2 percent) than the 2.4-percent rate for the previous 12 years of the postwar period and the rate for the period as a whole.

TABLE 1.—*Average annual rates of change in output per man-hour, hourly compensation, and unit labor costs in manufacturing for selected years*[1]

Item	1947–64	1947–59	1959–64
Consumer Price Index	1.8	2.0	1.2
Output per man-hour—total private economy	3.0	3.1	3.3
MANUFACTURING			
Output per man-hour:			
All employees	2.5	2.4	3.2
Production workers	3.3	3.3	3.4
Nonproduction workers	−.4	−.0	2.5
Compensation per man-hour—current dollars:			
All employees	5.0	5.7	3.5
Production workers	4.7	5.5	3.2
Nonproduction workers	4.5	4.8	3.6
Real compensation per man-hour:			
All employees	3.2	3.6	2.2
Production workers	2.9	3.4	2.0
Nonproduction workers	2.7	2.8	2.3
Unit labor costs:			
All employees	2.5	3.2	.2
Production workers	1.4	2.1	−.2
Nonproduction workers	4.9	5.9	1.0

[1] All rates computed from the least squares trend of the logarithms of the index numbers.

The interplay of these patterns of growth has resulted in a rather distinct break in the direction of the postwar trend in unit labor costs. From a 3.2-percent annual rise in the first part of the period, the growth in unit labor costs changed to virtual stability in the latter part of the period—particularly over the last 5 years when the rate was 0.2 percent per year.[6]

If other groups of years were examined, the same general conclusions about a sharp decline in the rate of growth in unit labor costs in the latter part of the period as compared with the earlier years would appear. From 1957–64, for example, unit labor costs rose at a rate of 0.6 percent per year; from 1960–64, they declined at a rate of 0.3 percent.

Annual and cyclical variations in the movement of unit labor costs also seem to have undergone some change. The years 1947–60 were characterized by brief periods of rapid increases and decreases in unit labor costs. (See table 2.) Unit labor costs increased sharply every year, however, during the 4-year period 1950–54 (Korea and business downturn). In contrast, the 1960–64 period has been marked by relative cost stability, with very small increases in 2 of the years and decreases in the other 2 years.

Production workers and nonproduction workers: The trend in the measures for all employees results from differential movements for production workers and for nonproduction workers, the two major groups of employees for which data are available.[7]

There was a small rate of increase in the man-hours of all employees over the postwar period as a whole—0.6 percent per year. This small overall rate, however, obscures vastly different trends in production worker and nonproduction worker man-hours and employment. Over the period as a whole, the man-hours of production workers actually declined slightly—at an annual rate of 0.2 percent. The man-hours of nonproduction workers, on the other hand, increased 3.4 percent per year. In 1947, 4 out of every 5 employees in manufacturing (84 percent) were production workers; in 1964, the ratio had declined to 3 out of 4.

As an outcome of this change in the composition of the work force, the annual rate of growth of output per man-hour for production workers is substantially higher (3.3 percent) than that for all employees for the postwar period as a whole. Output per man-hour for nonproduction workers declined slightly—at a rate of 0.4 percent per year.[8]

In contrast to the divergent rates in productivity of the two groups of employees,

[1] In recent years, much of the interest in productivity has been with regard to its relation to labor costs. Unit labor costs, which refer to all payments for labor including wages and salaries plus legally required and voluntary supplements per unit of output, reflect the relationship between hourly compensation to labor and hourly output (productivity).

[2] See "Indexes of Output Per Man-Hour for the Private Economy," 1947–64 (BLS release, Jan. 29, 1965).

[3] For these productivity indexes, output is defined as the constant dollar gross national product originating in the sector and the man-hours are primarily payroll hours based on establishment reports. For a detailed description on the methods used for deriving these measures, see "Trends in Output Per Man-Hour for the Private Economy, 1909–1958" (BLS Bulletin 1249).

[4] Compensation includes wages and salaries of employees plus contributions of employers to social security programs, private health, welfare, and pension funds, and additional minor items of labor income.

[5] This rate, and all others in this article, was computed on the basis of the least squares of the logarithms of the index numbers.

[6] This unit labor cost series is derived from a productivity measure based on constant dollar gross national product originating in manufacturing, which is consistent with measures of output per man-hour for the private economy and other major sectors. The compensation data were derived from the same source as the output data and, therefore, are consistent with the GNP measures of output. Unit labor cost measures based on the Federal Reserve Board index of manufacturing production show significant differences from the measures presented here both in particular years and over several years. In part, they reflect conceptual differences and in part statistical differences. Both series, however, show the same general pattern of growth with a sharp gain in unit labor costs in the early part of the period and either stability or a small decline over the last 5 years. The FRB-based measures show an average annual gain of 1.6 percent over the period as a whole and 2.4 percent from 1947–59 with a decline of 0.3 percent per year from 1959–64.

[7] Production workers include all nonsupervisory workers (including working foremen) engaged in fabricating, processing, assembling, inspecting, receiving, storing, handling, packing, warehousing, and shipping; also workers engaged in maintenance, repair, janitorial and watchmen services, product development, and auxiliary production for a plant's own use (e.g., powerplant), and recordkeeping and services immediately associated with these production operations. Nonproduction workers include persons engaged in executive, purchasing, finance, accounting, legal, personnel, cafeterial, medical, professional, and technical activities; sales, sales delivery, advertising, credit, collection, installation, and servicing of the firm's own products; routine office functions, factory supervision, and force-account construction.

[8] Since nonproduction workers are a smaller element of the work force, their output per man-hour movements are subject to more fluctuations and a wider margin of error of measurement.

compensation per man-hour of production workers and nonproduction workers experienced virtually the same rates of increase (4.7 and 4.5 percent, respectively) over the period 1947–64 as a whole.[9]

The rate of gain in hourly compensation for all employees was higher than that for either of the two groups, as can be seen in table 2. This took place because changes in hourly compensation of all employees reflect both changes in hourly compensation of production workers and nonproduction workers as well as shifts in the relative importance of the two groups with different levels of hourly compensation. Since nonproduction workers, with a higher level of hourly compensation, increased as a proportion of total employment, the rate of change for all employees was higher than the two component rates. The effect was not important, however, because, over the whole period, the rate of increase in the hourly compensation of each of the two groups of workers accounted for 94 percent of the rate of increase in hourly compensation for all employees, and the shift in composition only 6 percent.[10]

Since output per man-hour for production workers rose more than for all employees and hourly compensation rose slightly less over the postwar period as a whole, unit labor costs for production workers increased at a much smaller rate than for all employees—a little under 1½ percent per year. Unit labor costs for nonproduction workers, on the other hand, showed an annual increase of almost 5 percent, reflecting the decline in productivity and rise in hourly compensation.

TABLE 2.—*Indexes of output per man-hour, compensation per man-hour, and unit labor costs in manufacturing, 1947–64*

[1957–59=100]

Item	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964
Output per man-hour:																		
All employees	75.2	78.3	82.0	85.3	87.2	88.3	89.5	91.0	96.8	95.1	97.7	99.1	103.3	103.8	106.7	112.6	115.3	119.5
Production workers	68.1	71.6	76.4	78.6	80.8	83.1	84.5	88.0	92.9	92.3	96.5	100.3	103.4	105.0	109.1	114.3	117.3	121.3
Nonproduction workers	111.0	109.8	105.7	116.5	115.6	110.0	109.8	102.1	111.7	105.2	101.6	95.4	102.8	100.1	99.9	107.5	109.2	114.5
Compensation per man-hour in current dollars:																		
All employees	53.2	58.4	60.9	63.9	70.4	74.8	79.1	82.2	85.3	90.7	96.1	99.9	104.0	108.1	111.5	115.7	119.5	123.3
Production workers	53.7	59.5	61.6	65.3	72.1	76.5	81.0	83.2	86.1	91.1	96.9	100.2	103.1	107.1	109.3	113.1	117.4	121.2
Nonproduction workers	60.2	62.9	65.0	67.8	73.4	76.6	80.1	83.4	88.1	93.3	96.1	98.0	105.7	108.9	113.3	118.8	121.2	125.5
Real compensation per man-hour:																		
All employees	68.4	69.7	73.4	76.3	77.8	80.9	84.9	87.8	91.4	95.8	98.1	99.2	102.5	104.8	107.0	109.8	112.0	114.1
Production workers	69.0	71.0	74.2	77.9	79.7	82.7	86.9	88.9	92.3	96.2	98.9	99.5	101.6	103.9	104.9	107.3	110.0	112.1
Nonproduction workers	77.4	75.1	78.3	80.9	81.1	82.8	85.9	89.1	94.4	98.5	98.1	97.3	104.1	105.6	108.7	112.7	113.6	116.1
Unit labor costs:																		
All employees	70.7	74.6	74.3	74.9	80.8	84.7	88.3	90.4	88.1	95.4	98.4	100.8	100.8	104.2	104.5	102.8	103.7	103.1
Production workers	78.9	83.1	80.5	83.0	89.3	92.1	95.8	94.6	92.7	98.7	100.4	99.9	99.7	102.0	100.2	99.0	100.1	99.9
Nonproduction workers	54.2	57.2	61.5	58.2	63.5	69.6	72.9	81.7	78.9	88.7	94.6	102.7	102.9	108.8	113.4	110.6	111.1	109.6

Sources: Output and compensation data 1947–63 from the Office of Business Economics, Department of Commerce. 1964 estimates derived by the Bureau of Labor Statistics. Compensation of production, workers and nonproduction workers estimated by the Bureau of Labor Statistics based on data from the Office of Business Economics, Bureau of the Census, and the Bureau of Labor Statistics. Man-hours and Consumer Price Index data from the Bureau of Labor Statistics.

Although there was a shift in composition in the work force over the period as a whole, the bulk of that shift occurred in the first part of the period. Since 1959, the proportion of production workers has remained practically stable, fluctuating closely around the 75-percent level from year to year. As a result, the average annual rates of increase in output per man-hour for production workers and for all employees, over the last 5 years, have been very close—3.4 and 3.2 percent, respectively.

For production workers, the rate of gain in output per man-hour has been virtually the same measured over the last 5 years, over the previous 12 years, or the period as a whole. In contrast, the growth pattern for all employees, as mentioned earlier, rose faster over the later years.

Corresponding rates for nonproduction workers have been very unstable. During the last 5 years, output per man-hour for nonproduction workers gained 2½ percent per year in contrast to the decline of 1 percent per year over the previous 12 years.

The growth pattern of hourly compensation for production and nonproduction workers has also varied within the period. For production workers, hourly compensation rose about 3 percent per year from 1959–64—a little over half the rate for the previous 12 years. Similarly, later rates for nonproduction workers were substantially lower than for the earlier period.

Unit labor costs for production workers, therefore, actually fell slightly throughout the last 5 years, at a rate of 0.2 percent per year, as against the previous annual gains of over 2 percent. Since productivity maintained the same rate of increase, this change in direction was primarily a reflection of the decline in rate of increase in hourly compensation. For nonproduction workers, the rate of increase also was considerably less in the latter part of the period. In this case, however, the smaller rate of increase in unit labor costs resulted from both the relatively higher gains in productivity and the somewhat lower rate of increase in hourly compensation.

Real labor payments

Dividing the indexes of hourly compensation by the Consumer Price Index provides a measure of hourly compensation in constant 1957–59 purchasing power or real hourly compensation.[11] The concept of real compensation per man-hour is useful in ascertaining whether labor income is keeping pace with productivity growth. The question is often posed in terms of the total private economy. Hence, changes in the real income of all employees in the private economy are related to changes in productivity of the private economy. Over the long run, real compensation per man-hour and output per man-hour for the economy as a whole should have moved together. And, in fact, they have. It does not necessarily follow, however, that the real compensation per man-hour for individual components of the labor force should move precisely the same way as the productivity of the private economy. Some variation may be expected among different groups and sectors. The following sections examine the changes in real compensation per man-hour of manufacturing employees in relation to the movements of the productivity of the total private economy.

The productivity of the private economy is used as the basis of comparison because changes in real compensation per man-hour reflect changes in consumer prices as well as changes in hourly earnings and fringes. Gains in productivity for the whole economy, rather than manufacturing alone, affect the prices of consumer goods.

All employees: As can be see in table 2, the overall increase in income to labor in real terms very closely matched the overall gain in productivity for the postwar period as a whole.

Within the period, however, divergent movements again occurred. Real compensation per man-hour rose at an annual rate of a little over 2 percent for the last 5 years. The less-than-average increase in money compensation was further reduced by the 1-percent-per-year rise in consumer prices. Real hourly compensation did not keep pace with the greater-than-average advance in productivity for the private economy—3.3 percent per year. In contrast, during the earlier part of the period, real compensation per man-hour increased at a rate of over 3½ percent per year and productivity about 3 percent. Although the consumer price index rose almost twice as fast as it did later, hourly compensation still exceeded the gain in productivity.

[9] Separate estimates of compensation of production workers and nonproduction workers 1947–58 were based on wages and salaries and supplements published in the May 1962 "Survey of Current Business." For the years 1959–63, wages and salaries were derived in 3 steps: (1) OBE full-time equivalent employees data were distributed between wage and salaried workers on the basis of BLS proportions of production-nonproduction workers; (2) average annual earnings of the 2 groups were derived from the Census Bureau data on payrolls and number of employees; (3) the difference between total payrolls derived from step (1) and (2) and the published total wages and salaries were allocated proportionately between wages and salaries. The 1964 estimates are extrapolations, based primarily on wages and salaries from the "Survey of Current Business" and production workers payrolls from BLS.

Compensation data were based on wages and salaries and supplements. The supplements were distributed proportionately between wages and salaries and added to wages and salaries. In this article, wages refer to earnings of production workers and salaries to earnings of nonproduction workers.

[10] In addition to the changes in movements of the component groups and the shift in composition, the total change also reflects the interaction of both changes. This effect was allocated equally to both elements.

[11] It may not be strictly appropriate to apply the CPI to the fringe benefits part of labor payments, because some fringes are not received by the employee at the time the payments are made by the employer (e.g., contribution to pension funds, insurance, etc.). However, in the absence of any suitable alternative, this is the only measure to apply. Moreover, since wages and salaries account for over 90 percent of total labor compensation for the postwar period, the use of the Consumer Price Index seems justified.

Production and nonproduction workers: The gain in real compensation per man-hour for production workers was very nearly the same as the gain in productivity over the entire postwar period. Real compensation per man-hour for production workers rose slightly less than 3 percent year from 1947 to 1964. In the latter part of the period, however, it rose at a rate of 2 percent per year. During the previous 12 years, however, despite the greater than average rise in the price index, production worker real compensation per man-hour had risen almost 3½ percent annually (close to the productivity gain of 3.3 percent), reflecting the very substantial rise in money wages and fringes.

Nonproduction workers experienced a gain in real compensation per man-hour of over 2½ percent per year over the period as a whole—less than the gain in productivity movement. In the latter part of the period, the rate was considerably lower than the rate of productivity growth.

Over the entire postwar period, real compensation per man-hour of all manufacturing employees and production workers kept pace with the gains in productivity for the economy. Over the last 5 years, however, the less-than-average increase in hourly compensation for all employees and production workers was reduced by the 1-percent-per-year rise in consumer prices so that real compensation per man-hour lagged behind the greater-than-average advance in productivity.

II. COST TRENDS IN NINE INDUSTRIAL NATIONS

(By John H. Chandler and Patrick C. Jackman, of the Division of Foreign Labor Conditions, Bureau of Labor Statistics)

From the standpoint of labor cost per unit of output, American manufacturers are now in a significantly better competitive position vis-a-vis foreign producers than they were in the late 1950's. This conclusion emerges from the most recent Bureau of Labor Statistics unit labor cost study covering trends in nine industrialized nations, and it takes account of changes in exchange rates in four of the countries.

Examining trends since 1950, the Bureau found that unit labor cost in manufacturing moved moderately upward over the entire period in six Western European countries, slowed considerably between 1957 and 1964 after early gains in the United States and Canada, and showed little net rise in Japan.

Within the past 2 years, many countries appear to have checked the rise in costs. From 1963 to 1964, only Italy and the Netherlands show significant rises.

Using the latest available expenditure and output information, the calculations on which this article is based update and, in some cases, revise previous estimates published by the Bureau.[1] Although several of the unit labor cost series have been altered as a result of these revisions, the major conclusions reached in the earlier work have not been affected. The Netherlands is included for the first time in the following discussion of unit labor cost trends.

THE LONG-TERM TRENDS

It is useful to divide the 14 years following 1950 into two contrasting periods of 7 years each. From 1950 to 1957, all nine countries underwent substantial inflationary pressures, varying in degree,[2] but generally sufficient to buoy unit labor costs markedly upward. During this early period, the Korean conflict interfered with the attempts being made in each country to overcome domestic shortages and regain pre-World War II markets. Although some progress was made in these years toward liberalizing trade and reducing tariffs, numerous trade restrictions and exchange controls remained in effect as late as 1957. These restrictions and controls were particularly important in transactions affecting the dollar zone.

Since 1957, many countries have intensified their efforts to achieve price and cost stability as the tempo of trade liberalization with the dollar zone increased and competition for foreign markets sharpened.

From 1950 to 1957, unit labor cost in the United States rose about the same as the average of the other countries.[3] As shown by the all-employee changes in chart 4 (not printed in the RECORD) at the end of the period this country occupied a middle position between Japan's decrease at the lower extreme and Sweden's 67-percent increase. France's doubling of all-employee cost far outstripped rises in the other nations.

Estimates of unit labor cost trends for production workers shown in the same chart display slightly less 1950–57 change than do the corresponding all-employee estimates. This discrepancy is attributable to a tendency in each country for manufacturing industries to increase the proportion of managerial, technical, and clerical personnel to product on workers.

Variations in the trends following 1957 resulted in a great improvement in the cost position of the United States relative to its trading partners. All of the countries with the fastest rates of increase in the earlier period managed to slow the growth of unit labor cost, while Italy, Japan, and Germany showed greater increases than in the initial 7 years. As these trends developed, the United States and Canada came close to achieving labor cost stability. The U.S. series B rose 5 percent while series A actually declined 1 percent.

For this recent period, too, the tendency for all-employee cost to increase at a faster pace than production worker cost can be observed in the trends shown in chart 5 (not printed in RECORD).

---

[1] See John H. Chandler and Patrick C. Jackman, "Unit Labor Costs in Eight Countries Since 1950," Monthly Labor Review, April 1964, pp. 377–384. For discussion of the problems of defining and measuring unit labor cost, see William C. Shelton and John H. Chandler, "The Role of Labor Cost in Foreign Trade," and "International Comparisons of the Unit Labor Cost: Concepts and Methods, in Monthly Labor Review, May 1963, pp. 485–490 and 538–547.

Unit labor cost refers to the ratio of total labor cost or expenditure (including direct compensation and expenditures for supplements) to total output.

[2] Inflationary pressures are associated both with wholesale and consumer price changes and in Italy from 1950 to 1957 the two diverged widely. The wholesale price index declined slightly while the cost-of-living index was rising at a rate of about 4 percent per year.

[3] As mentioned later in this article, series based on national accounts (series B for the United States) are preferred for international comparisons of unit labor cost trends for all manufacturing. These data are also preferred for the analysis of unit labor cost trends in manufacturing in the United States, as shown in the article on page 1056 of this Review. Four of the countries covered in this article, however (Canada, Japan, the Netherlands, and Sweden), do not now publish adequate, current data on deflated value of gross national product produced in manufacturing. For these countries, quantity indexes of industrial production have been used. For methodological comparability with these countries for which quantity indexes are used, a U.S. series based on the Federal Reserve index of industrial production (series A) was also included in this article. From 1950 to 1957, series B shows a 32-percent rise while series A shows a 26-percent rise.

TABLE 1.—*Indexes of unit labor cost in manufacturing for selected countries, 1950–64*

[1957=100]

Selected countries	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964 [1]
NATIONAL CURRENCY BASIS															
All employees:															
United States:															
Series A [2]	80	87	91	93	95	92	96	100	103	101	101	101	101	100	99
Series B [3]	76	82	86	90	92	90	97	100	102	102	106	106	104	105	105
Canada	77	84	90	92	94	91	93	100	101	101	104	103	102	103	103
France	50	67	76	80	82	87	92	100	113	115	115	123	132	141	142
Germany (Federal Republic)	87	97	95	93	92	92	99	100	103	102	105	111	119	123	123
Japan	109	107	113	102	105	106	106	100	106	100	98	100	108	113	111
The Netherlands	72	78	81	78	81	85	92	100	103	98	100	108	111	119	126
Sweden	60	69	83	87	91	95	99	100	102	101	102	106	113	116	116
The United Kingdom	69	74	83	84	85	88	96	100	105	104	105	113	117	116	116
Production workers:															
United States:															
Series A [2]	87	95	97	98	97	95	98	100	100	98	98	95	95	95	94
Series B [3]	83	89	92	95	94	92	98	100	100	99	102	100	99	100	100
Germany (Federal Republic)	89	100	97	94	91	94	100	100	102	100	102	108	114	116	116
Italy	109	107	111	106	102	100	101	100	98	91	91	92	99	109	117
Sweden [4]	63	74	88	89	93	96	100	100	100	98	98	101	105	107	106
The United Kingdom	71	75	83	86	87	90	98	100	103	102	103	109	111	110	108

See footnotes at end of table.

TABLE 1.—*Indexes of unit labor cost in manufacturing for selected countries, 1950–64*—Continued

[1957=100]

Selected countries	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964 [1]
U.S. DOLLAR BASIS [5]															
All employees:															
Canada	68	76	88	90	92	88	91	100	100	100	103	97	92	91	91
France	54	73	82	86	88	94	100	100	93	88	89	94	101	108	109
Germany (Federal Republic)	87	97	95	93	92	92	99	100	103	102	105	117	125	129	130
The Netherlands	72	78	81	78	81	85	92	100	103	98	100	114	118	126	133
Production workers:															
Germany (Federal Republic)	89	100	97	94	91	94	100	100	102	100	102	113	120	122	122

[1] Preliminary.
[2] Based on Federal Reserve Board index of manufacturing production.
[3] Based on estimates of gross national product originating in manufacturing, published by the U.S. Department of Commerce, Office of Business Economics.
[4] Manufacturing and mining.
[5] Adjusted for changes in the official or commercial exchange rate. Until 1961, the Canadian dollar had no par value and was allowed to fluctuate freely in international exchange markets. Adjustments for France are based upon changes that occurred in 1957 and 1958. Adjustments for Germany and the Netherlands are based upon changes in par value that occurred in March 1961.

Exchange revaluations

In relating changes in unit labor cost to international commercial competition, it is necessary to take account of changes in international exchange rates. France executed devaluations in 1957 and 1958, Germany and the Netherlands revalued their currencies upward by 5 percent in 1961, and Canada set an official exchange rate in 1961 which was significantly below the value that had prevailed under the fluctuating exchange system previously operating. Adjustments have been made in the table of unit labor cost calculations (table 1) for these four countries to reflect their changes in currency valuations, and the adjusted figures are shown separately in chart 6 (not printed in RECORD).

The effects of these adjustments on the estimates can be clearly seen in the Canadian experience. When Canadian 1964 unit labor cost is measured in terms of U.S. dollars—that is, is adjusted for the exchange devaluation—it is 9 percent below the 1957 level, whereas it runs 3 percent above the 1957 level when measured in terms of Canadian dollars. For France, after taking account of currency devaluations, unit labor cost shows just a 9-percent increase since 1957. In Germany and the Netherlands, on the other hand, the cost increases are augmented when the 1961 revaluations are applied.

The situation in France from 1950 to 1957 presents a special analytical problem. The legal exchange rate was held at 350 francs to the dollar, but the effective commercial rate often differed from this figure because of an elaborate system of import charges and export incentives.

This situation existed, with frequent changes in detail, from the early 1950's until the 1957 devaluation. In the indexes shown here, no attempt was made to adjust the official rate to a more realistic average effective commercial rate. Nor was an attempt made to adjust the rate for the British pound for the temporary import surtax that was introduced in October 1964.

Components of cost ratios

Since unit labor cost represents the ratio of labor expenditure to production, closer examination of the labor expenditure and production trends helps in the interpretation of unit labor cost trends. In general, the United States, with a less rapidly expanding economy, has shown more moderate increases than other countries, both in total labor expenditure in manufacturing and in total manufacturing production. As illustrated in table 2, the aggregate expenditure for U.S. wages and salaries and other labor benefits has increased by roughly 4 percent per year since 1957. In several of the other countries, aggregate expenditure has increased by over 10 percent per year, whereas production has increased at rates varying from 5 to 10 percent per year. In Japan, both labor expenditure and production have risen more than 10 percent per year.

Manufacturing production increases have occurred at higher rates in most of the countries than in the United States. The United States, Canada, and the United Kingdom show rather moderate rates of increase in production, averaging 3 to 4 percent per year since 1957. France, Sweden, and the Netherlands show a more rapid rate of about 6 percent. The remaining three countries—Italy, Japan, and Germany—show exceptionally rapid increases of 8 percent or more per year. The most remarkable growth has occurred in Japan, where manufacturing production has risen over 300 percent since 1953.

In the last 2 or 3 years, the rates of increase in production show less dispersion. Japan, for example, shows an increase of about 10 percent per year since 1961, compared to increases exceeding 20 percent in certain earlier years. The slower growing countries, on the other hand, have maintained or even accelerated their rates of growth slightly, as indicated by the showings for the United States, Canada, and the United Kingdom.

Although the unit labor cost trend estimates in this article have been prepared from data on aggregate annual output and annual labor compensation, they could also be calculated from data on output per man-hour (labor productivity) and average hourly compensation per worker. In the United States, both labor productivity and average labor compensation have been rising gradually, by 2 to 4 percent per year in recent years, so that unit labor cost has shown little change. Japan has achieved a high rate of productivity increase, but wages have also been increasing rapidly. As a result, there has been little change in unit labor cost. In most of the countries, wage increases have outpaced productivity increases, so that unit labor cost has risen.

TABLE 2.—*Percentage increases in manufacturing production, aggregate labor expenditure, and unit labor cost, 9 countries, annual average, 1950–57 and 1957–64*

Country	1950–57			1957–64		
	Production	Labor expenditure	Unit labor cost	Production	Labor expenditure	Unit labor cost
All employees:						
United States:						
Series A	4.0	6.7	2.6	4.5	4.3	−0.2
Series B	3.1	6.7	3.5	3.7	4.3	.6
Canada	4.4	7.4	2.9	4.0	4.4	.3
France	5.3	14.2	8.5	5.9	11.1	4.9
Germany (Federal Republic)	11.8	13.1	1.2	8.3	12.0	3.5
Japan	17.2	16.1	−1.0	15.3	17.2	1.6
The Netherlands	6.3	10.5	4.0	6.4	10.0	3.4
Sweden	2.9	10.4	7.3	6.1	8.8	2.5
The United Kingdom	3.4	8.6	5.0	3.5	5.9	2.3
Production workers:						
United States:						
Series A	4.0	5.4	1.3	4.5	3.6	−.9
Series B	3.1	5.4	2.2	3.7	3.6	−.1
Germany (Federal Republic)	11.8	12.6	.7	8.3	11.1	2.6
Italy	8.5	6.9	−1.5	9.4	11.9	2.3
Sweden	2.9	9.3	6.2	6.1	7.3	1.1
The United Kingdom	3.4	8.4	4.9	3.5	4.9	1.4
Adjusted for currency revaluations:						
Canada, all employees			4.4			−1.7
France, all employees			7.8			2.2
Germany:						
All employees			1.2			4.4
Production workers			.7			3.6
The Netherlands, all employees			4.0			4.5

NOTE.—Rates are computed from the least squares trend of the logarithms of the index numbers.

Revisions and limitations

The indexes of unit labor cost published here contain several changes from the previously published estimates. Some of the changes arise from data revisions by the national statistical agencies.[4] In other cases, the BLS has selected different data to achieve a more uniform basis of measurement among the countries.

[4] The Office of Business Economics in the U.S. Department of Commerce is presently engaged in the revision of the U.S. national accounts data covering the entire postwar period. These changes will affect both the series A and series B estimates shown in the present article, but the revisions are not expected to be very great.

Data used by the governments in preparing their national economic accounts have been used, at least in part, for all of the countries. Indexes of manufacturing production in constant value terms have been obtained for France, Germany (F.R.), Italy, and the United Kingdom, as well as the United States. Aggregate labor expenditure data used in preparing national accounts have been used for all the countries. These calculations offer a more uniform approach to the measurement of unit labor cost than can be achieved through the use of such measures as productivity indexes and hourly labor expenditure indexes, since many of the countries have moved toward standard methodology in preparing their national accounts.

Perhaps the greatest limitation in using the unit labor cost calculations shown here is that all manufacturing industries are combined and that the countries differ in their industrial composition. The BLS is undertaking an industry-by-industry analysis to evaluate the importance of this factor. Work done so far indicates substantial variations in cost movements in different industries, but the trends shown for all manufacturing in the present article are believed to be reliable.

There are, of course, many inadequacies in available data. Although the labor expenditure data should cover all expenditures by employers for labor, certain supplementary benefits such as subsidies and payments in kind may not be fully reflected in the basic national accounts. In addition, the measurement of manufacturing production has always been a difficult statistical task. Several countries, including the United States, have made substantial revisions in their production estimates, and uniform methods have not been achieved between countries. Other limitations of a technical nature have been described previously,[5] and will not be raised here. Although many of these technical problems are troublesome, it is believed that errors arising from them are small in aggregate.

TABLE 3.—*Indexes of wholesale or industrial prices, 9 countries, selected years*

[1957=100]

Country	1950	1953	1957	1960	1962	1964
United States:						
All commodities	87.7	93.6	100.0	101.7	101.6	101.5
Manufactured goods	84.4	91.6	100.0	102.1	101.8	102.1
Canada:						
All commodities	92.9	97.1	100.0	101.6	105.5	108.0
Manufactured goods	88.7	96.2	100.0	101.8	104.7	107.8
France:						
All commodities	72.4	92.4	100.0	119.9	125.7	132.4
Germany (Federal Republic):						
All commodities	81.8	96.7	100.0	100.0	102.6	104.8
Italy:						
All commodities	101.3	97.4	100.0	96.2	99.3	107.9
Japan:						
All commodities	66.9	95.3	100.0	95.5	94.8	96.3
Manufactured goods			100.0	93.5	91.6	91.6
The Netherlands:						
All commodities	81.3	93.1	100.0	96.1	96.2	105.1
Manufactured goods	82.2	93.5	100.0	98.1	99.1	
Sweden:						
All commodities	70.9	90.9	100.0	100.9	104.6	112.9
Manufactured goods	74.3	91.7	100.0	102.8	108.3	115.4
The United Kingdom:						
All commodities	77.1	90.3	100.0	102.3	107.5	112.5
Manufactured goods	76.6	90.1	100.0	101.8	107.2	110.7

Some related trends

Since labor cost is a substantial portion of total cost in manufacturing, changes in labor cost are frequently associated with changes in industrial prices. Therefore, it is pertinent to examine wholesale price trends to see how closely they conform with trends in unit labor cost.[6]

A serious difficulty in a comparing prices and labor cost trends is that most wholesale price indexes reflect the cost of many commodities other than manufactured goods. Fortunately, a separate series for manufactured goods is available for the United States, but this is not the case for some of the other countries. A further difficulty is that, even for prices of manufactured goods, the indexes do not differentiate between goods that are domestically produced and those that may be purchased from abroad.

Table 3 presents a summary of changes in industrial prices compiled from existing national series. Wholesale prices were very stable in the United States, while they declined in Japan between 1957 and 1964. Increases were moderate in Canada, Germany, Italy, and the Netherlands.

Relating trends in wholesale prices and in unit labor cost from 1957 to 1964, the United States shows little change in either series. In the other countries, wholesale price increases have generally been less than increases in unit labor cost. In Germany, for example, which has shown a 26-percent increase in unit labor cost, wholesale prices have risen by only 5 percent since 1957. In Sweden and the United Kingdom, wholesale prices have risen by 12 to 13 percent, which is slightly below the increases in unit labor cost since 1957. Canada is the sole exception, showing an 8-percent price rise since 1957 while unit labor cost rose only 3 percent.

In general, the data do not indicate a close relationship between wholesale price changes and unit labor cost changes. In most of the countries, wholesale price indexes held steady or advanced only moderately during the mid-1950's and early 1960's, but the increases have been more noticeable over the past 2 years. This contrasts with the developments in unit labor cost trends, which show increases in the 1950's and more stability within the past 2 years. Until further price data can be developed which pertain only to the manufacturing sectors in each country, it will not be possible to make conclusive findings as to the relationship between labor cost trends and prices.

[5] Shelton and Chandler, op. cit.

[6] Technically, what is needed in studying the relationship to unit labor cost is price indexes by sector rather than by commodity group, and specifically 2 price indexes, 1 for goods and services sold by manufacturing to other sectors of the economy and the other for goods and services purchased by manufacturing from other sectors. Such indexes are not yet regularly published even for the United States. See Bennett R. Moss, "Industry and Sector Price Indexes," Monthly Labor Review, August 1965, pp. 974–982.

RATIO OF LIQUIDITY TO RESERVES SHOWS URGENT NEED FOR MONETARY REFORM

Mr. PROXMIRE. Mr. President, there has been a great deal of controversy among bankers, business, and Government officials about the seriousness of the international liquidity crisis. Are we, or are we not, likely to run out of ready cash to finance world trade and world economic expansion as the United States corrects its adverse balance of payments?

Virtually all economists and other experts have contended that there is ample—many said too much liquidity today. Some have contended that there might be a shortage of the necessary gold and key currencies in a few years, if the United States succeeds in mastering its balance-of-payments difficulties, since U.S. dollar and gold outflows have been fueling the world's growing liquidity needs.

Now, for the first time to my knowledge, an economist has come forward with an analysis that takes the world liquidity needs out of the vague language of a theoretical relationship to trade and ties the actual liquidity to the actual imports of nations. What the analysis shows is startling.

The study is published in the September issue of the National Banking Review. It is written by Prof. Herbert G. Grubel, of the University of Chicago. The study shows and I quote:

> The ratio of reserves to imports has fallen for all countries covered, as well as for the subgroups of countries. Very few observers would be willing to assert that the ratio in 1960 was excessively high. Whatever inflationary pressures prevailed at that time existed in countries with deficient rather than excessive levels of international reserves. The substantial decline in the ratio over the period, therefore, strongly suggests that reserves in 1964 were scarcer than they were in 1960.
>
> The dramatic decline in the ratio for all 11 countries could be considered irrelevant if it had been accompanied by a redistribution of reserves away from countries with excessive stocks to countries with shortages * * *. On the basis of this evidence one is tempted to raise the question of how low the ratio of reserves to imports can be allowed to fall before it is inadequate. The trends over the past 5 years, since the first dollar crisis of the postwar era, do not give much support to the view that the "studies can be pursued without undue haste."

And Professor Grubel concludes:

> It appears that the reserves in the form of positions with the Fund are such a small proportion of total reserves that increases of many times that base would be required to bring about a significant improvement in the world's overall reserve position. Increases of such a magnitude may well require a fundamental reform of the present system.

Mr. President, this is such a significant and refreshing analysis of the vital problem of how to keep international growth and prosperity moving along, that I ask unanimous consent that the article, "The Gold and Dollar Crisis," from the National Banking Review be printed in the RECORD, together with an editorial comment from this morning's Washington Post.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

REFORM OR ROULETTE?

Are the monetary reserves which nations hold in order to finance balance-of-payments deficits sufficiently large to insure the stability of the international financial system? The question is at the center of the controversy over the reform of the international monetary system. Proponents of reform argue that there is or soon will be a shortage of liquidity—the means by which deficits may be financed—and urge a new mechanism for creating additional reserves. Antagonists insist that there is now an oversupply of liquidity—especially of dollars held as official monetary reserves—and deny that a shortage will develop in the foreseeable future.

Some cold light on the adequacy of international liquidity is cast in the current issue of the National Banking Review, an excellent journal published by the Office of the Comptroller of the Currency. Herbert G. Grubel, a University of Chicago economist, approaches the problem by examining the ratios of reserves to imports for 11 of the world's leading industrial countries.

The picture that emerges for the period 1960–64 is disquieting. For the group of 11 the ratio has fallen from 79 percent in 1960 to 53.1 percent in 1964. And a continuation of the downtrend will doubtless push the ratio below 50 percent in 1965. Only 3 of the 11 countries, France, Canada, and Sweden, experienced increases in the reserves-to-import ratio since 1960. But the ratios for Canada and Sweden were extremely low in 1960 and remained far below the group average in 1964.

Professor Grubel, who views the development with alarm, asks "how low the ratio of reserves to imports can be allowed to fall before it is considered inadequate." The opponents of a meaningful monetary reform would permit the question to be answered by experience. And, indeed, experience would provide an answer of sorts, just as it reveals the location of the bullet in a game of Russian roulette. But why, in the name of sanity, should the world run such a terrible risk?

THE GOLD AND DOLLAR CRISIS 5 YEARS LATER

(By Herbert G. Grubel)

(Herbert G. Grubel is an assistant professor of economics at the University of Chicago. The author gratefully acknowledges the comments of Arthur I. Bloomfield and Robert Triffin on an earlier version of this paper. Needless to say, this current version is not to be interpreted as a reflection of their views.)

In the spring of 1960, a speculative attack on the U.S. dollar ushered in a new era in international monetary relations. For the first time since the end of the Second World War, confidence in the dollar was shaken and U.S. Government obligations ceased to be considered a reserve asset "at least as good as gold." A few months earlier, Robert Triffin, in a prophetic book,[1] had analyzed the fallacies and dangers of a world payments system built on key currencies. The speculative episode and Professor Triffin's book stimulated worldwide discussions, and academic economists soon produced an outpouring of plans for monetary reform.[2] More recently, in July 1965, a committee charged with presenting an official American plan for reform was formed under the direction of Henry H. Fowler, Secretary of the Treasury.

In this paper, I shall briefly review the recent pronouncements of international institutions concerning the problem of world monetary organization. I will then present a set of statistics designed to put the data on liquidity published by these organizations into meaningful relationship with other economic magnitudes, and to throw more light on the developments of the past 5 years.

I. THE FUND AND GROUP OF TEN STUDIES

The international institutions criticized in the worldwide discussions of the past 5 years, and the major industrial countries of the West dependent upon the functioning of these institutions, reacted very slowly to the challenges of the events in 1960 and the intellectual ferment that followed. Nearly 4 years elapsed before the International Monetary Fund and the industrial countries, organized as the Group of Ten, each commissioned a review of the international monetary system and the probable future needs for liquidity. The analytical approaches to the problem, and the positive recommendations produced by these reviews,[3] were not startling. This outcome could have been anticipated, for example, from the instructions given by the Ministers of the Group of Ten to their Ministerial Deputies explicitly ruling out any examination of alternatives to the system of fixed exchange rates and the established price of gold.

The Group-of-Ten study presented statistics on reserve assets, but in no way related the volume of these assets to any measure that could conceivably serve as an index of the demand for reserves. In the theoretical discussion of such a measure, the report concluded that it knew of "no satisfactory quantitative formula for the measurement of liquidity need."[4] Yet, at another point in their report, the experts inexplicably came to the conclusion that "the overall liquidity of the system seemed fully adequate in present circumstances."[5] If they had criteria upon which to base this judgment, these were not presented. The Group-of-Ten study conceded that "the need may in time be felt for some additional kind of reserve asset,"[6] and therefore recommended a study of the long-run need for international liquidity. However, it concluded that "in view of the adequacy of the supply of gold and reserve currencies in the present and in the near future, there is no immediate need to reach a decision as to the introduction of a new type of reserve asset. The studies can therefore be pursued without undue haste."[7] Aside from their recommendation for a new study of liquidity needs, the review gave "expression of support" to a general increase in the Fund's quotas.

The study by the International Monetary Fund also contained a discussion of the determinants of the demand for reserves. The widely known objections to the value of imports as a measure of demand were analyzed, but no substitute was proposed; in the end, imports were used.

Although the Fund study considered the current monetary system to be adequate and praised its flexibility and adaptability, the tone of its conclusions and recommendations conveyed a greater sense of urgency than did the Group-of-Ten study. It suggested that the Fund "enter upon a broad exploration of the possible ways to meet any inadequacies in the supply of international liquidity."[8] But in the next paragraph, the broadness of the proposed exploration was limited by the insistence that "It will be wise to supplement and improve the system where changes are indicated, rather than to look for a replacement of the system by a totally different one."[9]

Both studies emphasized the flexibility and adaptability of the current system to meet the problems of international monetary stability and growth, and concluded that the current system can be changed sufficiently—without altering its basic character—to meet future world demands.

II. APPRAISAL OF THE PRESENT INTERNATIONAL MONETARY SYSTEM

Let us examine the extent to which the present international monetary system has adapted to the challenges revealed by the events of 1960. The two basic problems of the time can most easily be shown in two simple diagrams which, while unrealistic in some respects, nevertheless allow certain interesting insights. Figure 1 [not shown in RECORD] assumes that at any moment in time the world demand and supply of gold is a function of its price, given such other factors as the level of international trade, the quality of key currencies available, their interest yield, and the strength of the general belief that their value in terms of gold will be maintained. Figure 2 [not shown in RECORD] shows the demand and supply schedules for key currencies under the assumption that the demand is an increasing function of the interest yield.

The problems of 1960 can be interpreted as having been an excess demand for gold, and an excess supply of key currencies at the existing price of gold and interest rates, conditions which could have been remedied by upward valuation of gold and a rise in interest rates. However, gold revaluation was ruled out for political and practical reasons, and interest rates in the United States were kept low to encourage full employment and economic growth. Instead, a series of institutional changes was introduced which, in essence, amounted to a once-and-for-all shift in the demand curve for key currencies, in turn causing a shift in the demand curve for gold.

The institutional changes were designed to increase confidence in the value of the key currencies. The Basle arrangements for the

[1] "Gold and the Dollar Crisis," New Haven: Yale University Press, 1960.

[2] The most important of these proposals have been reprinted in H. G. Grubel, "World Monetary Reform: Plans and Issues," Stanford: Stanford University Press, 1963; the proposals were summarized in F. Machlup, "Plans for Reform of the International Monetary System," International Finance Section, Princeton, 1964, Special Papers in International Economics, No. 3.

[3] The IMF study appeared as part II of the 1964 "Annual Report of the International Monetary Fund." The Group-of-Ten study was first released on Aug. 10, 1964, and is most easily accessible in the "Federal Reserve Bulletin," August 1964, pp. 975–999.

[4] Op. cit., p. 983.

[5] Ibid.

[6] Op. cit., p. 984.

[7] Op. cit., p. 988.

[8] 1964 Annual Report, p. 32.

[9] Ibid.

support of sterling in 1961 and 1963, the swap arrangements by the United States in 1962–63, the gold-pooling arrangements of 1961, and the General Arrangements to Borrow[10] enabled the key currency countries to meet sudden demands for conversion of their outstanding obligations into gold or other acceptable currencies. As is true of deposit insurance and the willingness and ability of the Federal Reserve System to provide individual banks with liquidity when needed, knowledge of the security of deposits alone was sufficient to reduce substantially the need to draw on these resources. Thus, the dangers of short-run crises in confidence were effectively reduced, and the willingness of major countries to help each other in case of short-run speculative attacks served to alleviate the fundamental difficulties that prevailed in 1960. The demand curve for key currencies shifted upward from D_0 D_0 to D_1 D_1, thus eliminating the excess supply situation. At the same time, the increased willingness to hold key currencies reduced the demand for gold, shifting downward the demand curve to D_1 D_1 and eliminating the excess demand.

In this manner, the world monetary system proved its adaptability. The Bretton Woods machinery as it existed in 1960 was inadequately equipped for dealing with the problem of confidence. Partly through the leadership of the International Monetary Fund, this situation was remedied. But it should be noted that the changes were of such a nature that they cannot be repeated; it will be very difficult to find additional institutional arrangements to deal with crises of confidence in key currencies.

The present system has not, however, been able to deal with what many economists consider to be the basic problem and ultimate cause of the disequilibria that existed in 1960. The basic problem is that the increase in the supply of gold; i.e., the rightward shift of the S curve in figure 1 [not shown in RECORD] has in recent years occurred at so slow a rate that the relatively rapid upward shift in the demand for gold caused by the higher levels of international trade created excess demand at the existing price of gold. During the past 5 years, the increased supply of key currencies, coupled with the institutional changes mentioned above, has slowed down the outward shift of the demand curve for gold. But, as both the report of the Group of Ten and IMF study acknowledge, there will most likely occur a slowdown in the growth of key currency obligations in the future, simply for the reason that the process of increasing U.S. obligations and decreasing the U.S. stock cannot go on forever. Chart 1 [not shown in RECORD] shows the development of these two magnitudes between 1958–64, and the reader is left to form his own impression as to how long this accumulation of U.S. short-term obligations is likely to continue into the future. Note should be taken of the significant crossing of the two lines in 1960, the year of the first dollar crisis. Thus, if the price of gold is to be kept down, a substitute for key currencies has to be found. This fact is acknowledged in the reports, as well as in the suggestion that further studies of the long-range liquidity problem be undertaken.

III. GROWTH OF INTERNATIONAL RESERVES, 1960–64

We turn now to an examination of the growth in international reserves between 1960 and 1964, in order to explore the extent to which the system has adapted to changes in the demand for reserves, and to determine whether judgments can be made about future needs. The statistics on reserve holdings supplied by the two reports are not very useful for this purpose. Although there are adequate data on the stock of reserves and their growth and distribution among countries, there are no comparable statistics on the demand for reserves. Yet, it is well known that scarcity or abundance are meaningful concepts only in the relationship of supply and demand.

The lack of statistics on demand stems from the fact that no conceptually unambiguous measures have been developed. Although the elements of demand may be readily enumerated, their measurement is much more difficult. The transactions demand for reserve assets may grow proportionally to trade, by the square root, or by some other factor. The need for funds to meet temporary requirements depends on a country's willingness to alter the pegged rate (at the extreme of complete flexibility of exchange rates, the need for official reserves is zero), the flexibility of domestic wages and prices, and the readiness to sacrifice real output and growth to restore external balance.[11] Further, the requirements of any one country depend on the preferences and behavior of other countries. Most difficult to account for is the fact that balance-of-payments decisions are rarely made solely on the basis of clear-cut economic criteria. Interest rates, budget deficits, and international trade restrictions are determined by a political process of bargaining among many vested interests in the economy, all of which are affected in some way by the levels at which these policy factors are maintained. Unless we are willing to engage in what many economists consider to be distasteful interpersonal comparisons of welfare, this fact practically rules out the possibility of devising maximization criteria from which optimum reserve holdings may be determined.[12]

Despite these difficulties of conceptualization and measurement, there does exist a demand for international reserves. An excess of demand over supply may lead to a worldwide liquidity crisis, as some observers fear, or it may lead more subtly to seemingly independent national restrictions on trade, temporary reductions in tourist allowances, voluntary curbs on private capital flows, and the like.

In view of the lack of a theoretically valid demand function for reserves and the clear-cut need to find some sort of measure for demand, I have used the quantity of imports.

The ratio of reserves to imports has fallen for all 11 countries covered, as well as for the subgroups of countries. Very few observers would be willing to assert that the ratio in 1960 was excessively high. Whatever inflationary pressures prevailed at that time existed in countries with deficient rather than excessive levels of international reserves. The substantial decline in the ratio over the period, therefore, strongly suggests that reserves in 1964 were scarcer than they were in 1960.

The dramatic decline in the ratio for all 11 countries could be considered irrelevant if it had been accompanied by a redistribution of reserves away from countries with excessive stocks to countries with shortages. However, this line of argument does not seem very convincing, since all of the relevant subgroups of countries actually experienced declines in their ratios. On the individual-country level, only the reserve ratios of Sweden, France, and Canada increased during the period. Of these countries, Sweden started the period with the excessively low level of 18, and Canada was on flexible exchange rates at the outset but had returned to the reserve-demanding regime of pegged rates by the end of the period.

On the basis of this evidence, one is tempted to raise the question of how low the ratio of reserves to imports can be allowed to fall before it is considered inadequate. The trends over the past 5 years, since the first dollar crisis of the postwar era, do not give much support to the view that "the studies can be pursued without undue haste."

The breakdown of reserves reveals some significant facts about the changes of the past 5 years. The impressive decline in the ratio of gold to imports of the reserve currency countries was in large part due to the gold withdrawals of some surplus countries. But it is interesting to note that the gains by the European Economic Community countries were insufficient to maintain the ratio of gold to imports they had achieved in 1960.

A second important fact is that the large increases in dollar holdings brought about by the U.S. deficits succeeded only in keeping the ratio of foreign exchange to imports constant for the 11 countries, and lowered it slightly for the European Economic Community. As noted before, this ratio can be expected to fall as soon as the United States brings her payments into balance.

Another remarkable feature brought out by the chart is the size of the Fund reserve positions of the 11 countries. The precise definition of this asset category is fairly involved (see the International Financial Statistics, Notes to tables), but basically it is that sum of resources that countries may draw upon without negotiation or conditions. In a sense, this asset is a perfect substitute for gold and foreign exchange. However, the Fund reserve position is a misleading indicator of the Fund's role in the supply of reserves, since it does not reflect the authority's actual credit extensions nor its changed willingness to make these credits available. Such conditional resources can, up to a point, serve as a substitute for freely available assets, and their use has increased in recent years. On the other hand, the relatively small size of this form of assets indicates that the Fund has not been able to adapt its institutional setup so that it could play anything more than a minor role in the provision of owned reserves. Given the imperfect substitutability between conditional credit and unconditionally owned assets, the reform of the international monetary system must have the adequate creation of the latter as its main goal.

IV. CONCLUSIONS

We conclude that the official response to the weaknesses of the present world monetary system, first exposed by the events of 1960 and Professor Triffin's analysis, has been successful in dealing with crises of confidence, but it has been unable to prevent a significant decline in the ratio of international reserves to imports. Moreover, it appears that the reserves in the form of positions with the Fund are such a small proportion of total reserves that increases of many times that base would be required to bring about a significant improvement in the world's overall reserve position. Increases of such a magnitude may well require a fundamental reform of the present system.

---

[10] For an analysis of some of these arrangements, see R. Aliber, "The Management of the Dollar in International Finance," International Finance Section, Princeton University, 1964, Princeton Studies in International Finance, No. 13.

[11] See H. G. Grubel, "The Benefits and Cost of Being the World Banker," "The National Banking Review," December 2, 1964.

[12] For an interesting discussion of some of these issues, see F. Machlup, "International Payments, Debts, and Gold," New York: Scribner's Sons, 1964, chapters XII–XIII.

APPENDIX

TABLE 1.—*1964 reserves, imports, and the ratio of reserves to imports, as a percentage of 1960 figures*

	Reserves [1]	Imports	Reserves as a percentage of imports		Reserves [1]	Imports	Reserves as a percentage of imports
I. Reserve countries	82.2	122.2	67.3	III. Other Paris Club	132.4	145.5	91.0
United States	86.1	122.6	70.2	Canada	130.9	122.9	106.5
United Kingdom	62.2	121.8	51.1	Japan	103.6	177.0	58.5
II. Europe in Economic Community	138.0	152.9	90.3	Switzerland	134.4	169.9	83.5
France	251.9	160.3	157.1	Sweden	182.6	132.9	137.4
Germany	112.1	144.6	77.5				
Italy	117.6	153.1	76.8	IV. 11-country total	109.1	139.2	78.4
Netherlands	126.1	155.7	81.0				
Belgium	145.5	158.9	91.6				

[1] Reserves are yearend totals for gold and foreign exchange holdings plus Fund reserve positions.

Source: International Financial Statistics, various issues.

TABLE 2.—*International reserves, imports, and ratios of international reserves to imports, 1960–64*

[Dollars in millions]

Countries	1960			1961			1962			1963			1964		
	Reserves [1]	Imports	Reserves as a percentage of imports	Reserves [1]	Imports	Reserves as a percentage of imports	Reserves [1]	Imports	Reserves as a percentage of imports	Reserves [1]	Imports	Reserves as a percentage of imports	Reserves [1]	Imports	Reserves as a percentage of imports
I. Reserve countries	$23,078	$29,222	79.0	$22,071	$28,377	77.8	$20,528	$30,372	67.6	$19,990	$32,066	62.3	$18,988	$35,736	53.1
United States	19,359	16,508	117.3	18,753	16,069	116.7	17,220	17,764	96.9	16,843	18,590	90.6	16,672	20,251	82.3
United Kingdom	3,719	12,714	29.3	3,318	12,308	27.0	3,308	12,563	26.3	3,147	13,476	23.4	2,316	15,485	15.0
II. European Economic Community	15,924	29,340	54.3	18,089	32,162	56.2	18,552	35,797	51.7	20,006	40,417	49.5	21,970	44,847	49.0
France	2,272	6,281	36.2	3,365	6,679	50.4	4,049	7,517	53.9	4,908	8,727	56.2	5,724	10,070	56.8
Germany	7,032	10,107	69.6	7,163	10,948	65.4	6,956	12,289	56.6	7,650	13,022	58.7	7,882	14,618	53.9
Italy	3,251	4,725	68.8	3,799	5,223	72.7	3,818	6,075	62.8	3,406	7,590	44.9	3,823	7,232	52.9
Netherlands	1,863	4,531	41.1	1,958	5,089	38.5	1,946	5,347	36.4	2,102	5,966	35.2	2,349	7,055	33.3
Belgium	1,506	3,696	40.7	1,813	4,223	42.9	1,753	4,569	38.4	1,940	5,112	37.9	2,192	5,872	37.3
III. Other Paris Club	6,790	15,785	43.0	7,437	17,640	42.2	8,242	18,147	45.4	8,497	19,901	42.7	8,987	22,972	39.1
Canada	1,989	6,150	32.3	2,276	6,193	36.8	2,547	6,367	40.0	2,603	6,618	39.3	2,881	7,560	38.1
Japan	1,949	4,491	43.4	1,666	5,811	38.7	2,022	5,637	35.9	2,058	6,637	31.0	2,019	7,947	25.4
Switzerland	2,324	2,243	103.6	2,759	2,707	101.9	2,872	3,020	95.1	3,078	3,253	94.6	3,123	3,610	86.5
Sweden	528	2,901	18.2	736	2,929	25.1	801	3,123	25.6	758	3,393	22.3	984	3,855	25.5
IV. 11-country total	45,792	74,347	61.6	47,606	78,179	60.9	47,292	84,271	56.1	48,493	92,384	52.5	49,945	103,565	48.2

[1] Reserves are yearend totals for gold and foreign exchange holdings plus Fund reserve positions.

Source: International Financial Statistics, various issues.

TABLE 3.—*Reserve categories and ratios of reserves to imports*

[Millions of dollars]

A. GOLD [1]

Countries	1960	1961	1962	1963	1964	Countries	1960	1961	1962	1963	1964
I. Reserve countries	20,605	19,214	18,638	18,080	17,607	III. Other Paris club	3,487	3,973	3,845	4,108	4,230
	(70.5)	(67.7)	(61.5)	(56.4)	(49.3)		(22.1)	(22.5)	(21.2)	(20.6)	(18.4)
United States	17,804	16,947	16,057	15,596	15,471	Canada	885	946	708	817	1,026
	(107.8)	(105.4)	(90.4)	(83.9)	(76.4)		(14.4)	(15.3)	(11.1)	(12.3)	(13.6)
United Kingdom	2,801	2,267	2,581	2,484	2,136	Japan	247	287	289	289	290
	(22.0)	(18.4)	(20.5)	(18.4)	(13.8)		(5.5)	(4.9)	(5.1)	(4.4)	(4.0)
II. European Economic Community	9,436	10,839	11,455	12,281	13,223	Switzerland	2,185	2,560	2,667	2,820	2,725
	(32.2)	(33.7)	(32.0)	(30.4)	(29.5)		(97.4)	(94.6)	(88.3)	(86.7)	(75.5)
France	1,641	2,121	2,587	3,175	3,729	Sweden	170	180	181	182	189
	(26.1)	(31.8)	(34.4)	(36.4)	(37.0)		(5.9)	(6.1)	(5.8)	(5.4)	(4.9)
Germany	2,971	3,664	3,679	3,843	4,248	IV. 11-country total	33,528	34,026	33,938	34,469	35,060
	(29.4)	(33.5)	(29.9)	(29.5)	(29.1)		(45.1)	(43.5)	(40.2)	(37.3)	(33.9)
Italy	2,203	2,225	2,243	2,291	2,107						
	(46.6)	(42.6)	(36.9)	(30.2)	(29.1)						
Netherlands	1,451	1,581	1,581	1,601	1,688						
	(32.0)	(31.1)	(29.6)	(26.8)	(23.9)						
Belgium	1,170	1,248	1,365	1,371	1,451						
	(31.7)	(29.6)	(29.9)	(26.8)	(24.7)						

B. FOREIGN EXCHANGE [2]

Countries	1960	1961	1962	1963	1964	Countries	1960	1961	1962	1963	1964
Reserve countries	430	1,167	324	385	611	III. Other Paris Club	2,987	3,008	4,168	4,157	4,213
	(1.5)	(4.1)	(1.1)	(1.2)	(1.7)		(18.9)	(17.1)	(23.0)	(20.9)	(18.3)
United States		116	99	212	432	Canada	951	1,118	1,838	1,786	1,658
		(.7)	(.6)	(1.1)	(2.1)		(15.5)	(18.1)	(28.9)	(27.0)	(21.9)
United Kingdom	430	1,051	225	173	179	Japan	1,577	1,199	1,553	1,589	1,469
	(3.4)	(8.5)	(1.8)	(1.3)	(1.2)		(35.1)	(20.6)	(27.6)	(23.9)	(18.5)
II. European Economic Community	5,705	5,555	5,574	6,103	6,604	Switzerland	139	199	204	258	398
	(19.4)	(17.3)	(15.6)	(15.1)	(14.7)		(6.2)	(7.4)	(6.8)	(7.9)	(11.0)
France	429	818	1,023	1,282	1,376	Sweden	320	492	573	524	688
	(6.8)	(12.2)	(13.6)	(14.7)	(13.7)		(11.0)	(16.8)	(18.3)	(15.4)	(17.8)
Germany	3,753	2,862	2,760	3,255	2,721	IV. 11-country total	9,122	9,730	10,066	10,645	11,428
	(37.1)	(26.1)	(22.5)	(25.0)	(18.6)		(12.3)	(12.4)	(11.9)	(11.5)	(11.0)
Italy	980	1,332	1,372	837	1,571						
	(20.7)	(25.5)	(22.6)	(11.0)	(21.7)						
Netherlands	291	134	162	298	396						
	(6.4)	(2.6)	(3.0)	(5.0)	(5.6)						
Belgium	252	409	257	431	540						
	(6.8)	(9.7)	(5.6)	(8.4)	(9.2)						

See footnotes at end of table.

C. FUND RESERVE POSITION [3]

Countries	1960	1961	1962	1963	1964
I. Reserve countries	2,043	1,690	1,566	1,524	769
	(7.0)	(6.0)	(5.2)	(4.8)	(2.2)
United States	1,555	1,690	1,064	1,035	769
	(9.4)	(10.5)	(6.0)	(5.6)	(3.8)
United Kingdom	488		502	489	
	(3.8)		(4.0)	(3.6)	
II. European Economic Community	784	1,705	1,492	1,570	2,144
	(2.7)	(5.3)	(4.2)	(3.9)	(4.8)
France	202	426	438	451	619
	(3.2)	(6.4)	(5.8)	(5.2)	(6.1)
Germany	309	637	517	552	913
	(3.1)	(5.8)	(4.2)	(4.2)	(6.2)
Italy	68	243	203	226	146
	(1.4)	(4.7)	(3.3)	(3.0)	(2.0)
Netherlands	121	243	203	203	265
	(2.7)	(4.8)	(3.8)	(3.4)	(3.8)
Belgium	84	156	131	138	201
	(2.3)	(3.7)	(2.9)	(2.7)	(3.4)
III. Other Paris Club	316	455	228	233	506
	(2.0)	(2.6)	(1.3)	(1.2)	(2.2)
Canada	153	212			198
	(2.5)	(3.4)			(2.6)
Japan	125	180	180	180	220
	(2.8)	(3.1)	(3.2)	(2.7)	(2.8)
Switzerland					
Sweden	38	63	48	53	88
	(1.3)	(2.2)	(1.5)	(1.6)	(2.3)
IV. 11-country total	3,143	3,850	3,286	3,327	3,419
	(4.2)	(4.9)	(3.9)	(3.6)	(3.3)

[1] The figures in parentheses represent gold as a percentage of imports.
[2] The figures in parentheses represent foreign exchange as a percentage of imports.
[3] The figures in parentheses represent Fund reserve position as a percentage of imports.

Source: See table 1.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum; and I assure the Senate that it will not be a live quorum.

The PRESIDING OFFICER (Mr. Bass in the chair). The Chair appreciates that information, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Without objection, it is so ordered.

INSURING ORDERLY PROCESSES OF GOVERNMENT DURING TEMPORARY INCAPACITY OF THE PRESIDENT

Mr. SMATHERS. Mr. President, all of us are deeply concerned over the announcement that President Johnson will enter Bethesda Naval Hospital to undergo gallbladder surgery on Friday. Fortunately, we have been assured by the top medical experts of the Nation that this is the least serious of major operations. There is minimal risk, although a convalescent period of from 10 to 14 days is normally expected. Similar operations have recently been successfully performed on some of our colleagues in the Senate.

In some respects, I believe this operation will be of double benefit to the health and well-being of our Chief Executive. The President is a restless, energetic man who has given of himself unsparingly to the most demanding office in the world. No President has worked harder and longer at this all-important post. But even the most dedicated and hard-working individual needs physical rest. The President will now get that rest—and knowing his restless, driving nature—this enforced rest is probably the only way it could be realized.

Meanwhile, the President has, with wisdom and foresight, briefed Vice President HUMPHREY and the Cabinet on the situation. While it is expected there will only be a few hours in which the President will not be able to conduct the business of his office, an agreement has been made for Vice President HUMPHREY to make any decisions that may be required during that period of incapacity.

It was with full knowledge that such moments might occur that President Johnson chose HUBERT HUMPHREY as his running mate in 1964. Those of us who have served with HUBERT HUMPHREY in the Senate know he is uniquely equipped to serve as Acting President, if that is necessary. President Johnson has seen to it that the Vice President has always been fully informed on all the diverse problems of the Presidency. As I said on August 26, 1964, on seconding the nomination of HUBERT HUMPHREY for Vice President:

> HUBERT HUMPHREY is ready for this great opportunity and this enormous challenge. He is progressive, yet prudent. He is compassionate, without weakness.
>
> He is experienced, yet enthusiastic. He is a man of vitality and judgment, character and wisdom.
>
> And above all, he is a team man, and I know that he will be of great comfort and assistance to the President of the United States.

The Vice President has more than fulfilled that description and now in a moment of temporary incapacity of the President, the Nation need have no qualms because we have a truly capable Vice President standing by.

Mr. President, the illness of the President dramatizes once again the extreme importance of the vice-presidency in these fast-moving and eventful times. Further it dramatizes the need for this session of the 89th Congress to provide the Vice President with an official residence before it adjourns. The Vice President will, for a time at least, have many more additional social, ceremonial, and administrative duties thrust upon him. He needs adequate quarters and an adequate home in which to meet these responsibilities.

I have sponsored legislation to accomplish this task immediately. Surely, it deserves our attention before we go home.

In that respect, the Washington Post of October 5, 1965, contained an editorial which commented directly on the need to complete action for an official vice-presidential home. I ask unanimous consent that the editorial from the October 5 Washington Post be inserted in the body of the CONGRESSIONAL RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOME FOR HUMPHREY

As eager as is Congress to wrap up the legislative session, there is still ample time to provide a residence for the Vice President. The official responsibilities, and consequently the stature, of the Vice President have so increased that few will argue any more against the desirability of providing him with an official home. Choosing a site is another matter. Fortunately, Senator SMATHERS has come forth with a proposal so clearly filling the bill that the slightest nod from the administration should facilitate its speedy acceptance.

The Senator wants the Vice President to take over the house on the Naval Observatory Grounds presently occupied by the Chief of Naval Operations. The location is ideal; it is already Federal property so only maintenance funds would be needed and the Vice President could occupy the mansion soon after the bill was approved. With the plenitude of military property in the area, there certainly would be no difficulty in finding an appropriate residence for the CNO in keeping with the residences of the other service chiefs.

The alternative to Senator SMATHERS' plan, Senator MONRONEY's bill calling for creation of a Commission for the Acquisition of an Official Residence for the Vice President, probably would only result in further procrastination. Both proposals have been discussed at Senate hearings. Now let the Congress act.

EXPANSION OF AMERICAN BEEF EXPORTS

Mr. MONTOYA. Mr. President, as a member of the Small Business Committee for the past 9 months, it has been my great pleasure to join with the distinguished chairman of the committee, the Senator from Alabama, Senator SPARKMAN, in his tireless search for ways and means by which American beef producers can increase their exports to Western Europe.

Coming as I do from a State where beef production amounts to 398 million pounds annually, this question is of vital interest to me and to my State, and I have devoted many hours to a study of the complex factors involved.

There is still much to be done, including more hearings later on this year which will, I hope, focus further public attention on the very serious questions

of discriminatory ocean freight rates, the lack of adequately equipped ships, docks, and facilities, and the need for aggressive development of our potential European markets.

However, we have already achieved remarkable export gains. Fresh and frozen beef exports in 1964 were 35,347,000 pounds, 4 times the 1963 total, and figures for the first quarter of 1965 indicate that we will do much better this year. Beef and veal exports increased by 101.2 percent in the first quarter of 1965, compared to the first quarter of 1964.

Shipment of live cattle has tripled in the first 9 months of 1965, compared to the full year last year. The figures are 4,469 for 1964 and 12,247 for 1965 through September 30.

Since World War I, we have not been an important factor in the world beef export trade. Discriminatory ocean freight rates, combined with rapidly increasing consumption at home, caused American producers and packers to concentrate on the domestic market.

There was little incentive to compete with producers in Australia or Argentina when shipping rates were as much as 294 percent higher to Americans.

But a rapidly rising standard of living in Europe and a reduction both in Europe's domestic beef production and in its normal import supply, made American producers aware about 18 months ago of a potential new marketing opportunity.

Mr. President, I ask unanimous consent that a table which demonstrates a major long-term gap between European production and European consumption, and consequently a fine export opportunity for this country, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONTOYA. I believe we have already moved well to develop this potential. The President sent a Presidential Beef Export Mission to Europe to assess the possibilities in May of last year, and both the industry and the Department of Agriculture followed through with a number of trade missions and market development programs.

It is now certain that American beef can compete successfully in the European market. Exports of fresh and frozen beef and veal from the United States to the United Kingdom increased from 264,000 pounds in 1963 to 1,168,000 in 1964; from 326,000 pounds to France in 1963 to 2,015,000 in 1964; from 3,000 to Germany in 1963 to 109,000 last year.

An unpublished study by the Economic Research Service of the Department of Agriculture estimates that the outlook is for continued market growth for American beef for at least the next 5 years.

There are a number of reasons for this. Most important is Europe's rapidly rising standard of living, which is producing a rapidly rising demand for beef.

Although per capita consumption of beef has increased 53 percent in the European Economic Community nations—France, West Germany, Belgium, Holland, Luxembourg, Greece, and Italy—between 1955 and 1963, it is still only half that of the United States.

EEC economists forecast a further per capita increase of 36 percent in the next 5 years.

At present, Americans consume 105 pounds of beef per person, while Europeans consume 55.1 pounds.

Obviously the potential is there, and I believe that American producers will be able to obtain their fair share of this market. They have already made significant progress, as the most recent export figures show.

Reductions in ocean freight rates of approximately 25 percent which were established as the result of the Small Business Committee's hearings earlier this year have been of great assistance to the export trade.

Similarly, the 25-percent reduction in air freight charges for live calf shipments has helped a segment of the export business which has great potential.

Last year, this country shipped nearly 8,000 calves to Italy and other Western European countries by air. Unfortunately, shipments have fallen off this year because of handling problems which have developed but Department of Agriculture livestock men are sure these can be worked out. The demand is there, and this market's growth should match that of ocean-shipped cattle next year.

As I pointed out earlier, cattle shipped by boat have tripled in volume this year. Mr. Jay Taylor of Amarillo, Tex., who was Chairman of the President's Beef Export Mission to Europe last year, gave the committee an interesting example of American business ingenuity when he testified at our hearings earlier this year.

Ordinarily, live cattle are fed hay, which is very bulky and wasteful of space, while being transported by ship. But Mr. Taylor showed the committee a feed he has developed which is all protein and grain. It occupies much less space, and the steer will gain up to 20 pounds during the trip, worth some 40 cents a pound, so the cattleman recovers part of his shipping costs.

But European tastes in beef are still atuned to the less expensive, leaner, range-fed beef of the type produced in Argentina and Australia.

The mass demand in Europe is still for grades which are similar to our cutter and canner grades. Therefore, I believe our great opportunity in the immediate future lies in the development of and an appreciation for Choice and Good grain-fed American beef in Europe.

We must aim for the American tourist and the more affluent European, while at the same time we push a continuing education program which will widen this market.

The promotional campaigns now being carried out in Europe by the American Meat Institute and the Department of Agriculture deserve our encouragement and support.

Both these agencies, working in close cooperation, have planned a number of educational and promotional events in Europe and the United Kingdom this fall and winter.

Concurrently, we must continue to work for further reductions in freight rates, both on the high seas and domestically, if we are to establish a permanent export trade in beef. It was heartening to learn last week that ocean shippers have agreed to continue their experimental rate reductions beyond September 30, the original cutoff date.

In addition, there is need for extensive modification and modernization of dockside storage and handling equipment, and extensive modernization to ships, to handle a growing beef export trade.

We must be vigilant against efforts to create new barriers to American beef in Europe through overly restrictive regulations and inspection requirements.

While bending every effort to develop the fresh and frozen beef market, we must not neglect one in which we are already well established, that of variety meats—tongue, kidney, liver, and so forth.

In 1964, this country exported 156 million pounds of variety meats to the EEC countries, with a value of $32.5 million.

Mr. President, I ask unanimous consent that a table showing the growth of our variety meat exports be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MONTOYA. In summary, Mr. President, the success of our efforts to develop a major beef export trade in Europe and the United Kingdom is dependent on a variety of complex factors.

But the potential value of this trade—estimates range upward of 200,000 tons and $170 million a year—makes it imperative that we do absolutely everything required to help it along.

To that end, I propose the establishment of a permanent U.S. Beef Commission to examine all aspects and all problems of the trade, and to recommend appropriate solutions.

Specifically, the Beef Commission should work toward the solution of the following problems, as well as others which come to its attention during its continuing studies:

First. A complete reappraisal and readjustment of inland freight rates—the rates from the point of production to the point of embarkation—is needed.

Second. It must work for elimination of the disparities which exist in ocean freight rates, and which damage American exporters. Our goal should be equal treatment in shipping costs.

Third. Encourage the American shipbuilding industry to make provision for modern refrigerated beef shipping space, both in new and existing vessels.

Fourth. Promote the availability of ocean transports for beef on the hoof.

Fifth. Remove the redtape which now entangles exporters when they grapple with the so-called health regulations of importing nations. We must develop uniform inspection and health regulations which will free the shipper of bureaucratic redtape.

Sixth. The Beef Commission must initiate an aggressive and comprehensive marketing program, including advertising, consumer education, trade fairs,

personal contacts and development of detailed knowledge of trade sources in Europe.

Once established, the Beef Commission will be able to provide the help and the expert knowledge that American producers and shippers need to obtain and to retain their fair share of the world market.

EXHIBIT 1

European Economic Community actual and projected production and consumption of meat, 1960–70

[In millions of metric tons]

	Production	Consumption
1960	8.7	9.1
1961	9.2	9.6
1962	9.7	10.2
1963	9.7	10.3
1964	9.6	10.9
1965	10.1	11.3
1966	10.3	11.7
1967	10.8	12.2
1968	11.4	12.8
1969	11.8	13.2
1970	12.4	13.6

Source: Adapted from data supplied by International Monetary Branch, Development and Trade Analysis Division, Economic Research Service, USDA.

EXHIBIT 2

Variety meat exports to the European Economic Community and the United Kingdom, United States, and major foreign competitors, 1961–64

[In thousands of metric tons]

	1961	1962	1963	1964
United States	56	57	72	105
Australia	(1)	18	29	21
Argentina	22	26	43	(1)
Denmark	10	11	10	10

[1] Not available.

Source: Foreign Agricultural Service, USDA.

THE INTERNATIONAL MONETARY SYSTEM

Mr. MONRONEY. Mr. President, Washington was host last week to world financial leaders at the annual meeting of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the International Monetary Fund.

Such news stories as I saw on the sessions were chiefly centered on possible reform of the international monetary system—hardly a subject to get banner headlines or to prompt hot arguments on our main streets. Many Americans were unaware of the meeting.

Mr. George Woods, president of the World Bank, by his courageous and thought-provoking opening address to the delegates of this world body squarely posed the problem of the rich nations getting richer and the poor developing nations remaining static or even sliding backward. This was not scheduled to be the business of the World Bank meeting but with President Woods launching of the problem and its dire need toward doing something about it in his opening speech he stimulated much discussion in the financial world and even more in the Nation's press.

Mr. Walter Lippmann, a very wise man, tells us the session will be historically important because it opened up officially a problem crucial to world peace, and thus vital to each of us. In his syndicated column, he cites the "grim and dangerous contrast" between the advanced countries and the underdeveloped countries, and the financial arrangements which lead the rich to become richer and the poor to become poorer. He calls the growing inequality between them the paramount problem of mankind.

Mr. Lippmann's clear and logical outline of what the world's bankers faced thus becomes important to all of us who must face our own Nation's part of a global problem. I ask unanimous consent to insert his column in the RECORD with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 5, 1965]

THE RICHER AND THE POORER NATIONS

(By Walter Lippmann)

The bankers and monetary experts who met in Washington last week did not at the time seem to be doing very much. Yet, in the large perspective of time their meeting may well come to be thought of as historically important. For the report of the World Bank and the address of its president, Mr. George Woods, opened up, as officially it has never been opened up before, the problem which is crucial in the promotion of world peace—the problem of the relationship between the richer and the poorer nations of the globe.

This was not the advertised theme of the meeting. Generally speaking, attention was focused on how much progress could be made toward an agreement on the reform of the international monetary system. This would be an agreement essentially between the United States and Britain on the one hand and the continental European bankers on the other. There was no substantial progress toward such an agreement, and for that reason, the international meeting seemed rather uninteresting and unimportant.

But we can see in retrospect that there was no good reason to expect much progress on monetary reform. The question posed to the bankers was what kind of effective and adequate substitute they would agree to provide for the dollar deficits, now that, as President Johnson told them, "the long period of large U.S. deficits has come to an end." The bankers did not provide the substitute. The reason was, no doubt, that there is no immediate crisis due to a shortage of international money, that there are unresolved conflicts of interests among the rich nations as to who shall control the creation of new reserves, and last, but not least, that the European bankers are by no means convinced that the United States will in fact put a permanent end to its deficits.

Although there were some useful technical and procedural agreements for further study, nothing was settled because the bankers were asked to find a theoretical solution—which might not need to be applied for a long time—to a problem which was hypothetical, since our deficits are not yet permanently ended.

The other and largely neglected activity of the meeting has been to confront the governments and people of the world with the grim and dangerous contrast between the advanced nations in the northern hemisphere and the underdeveloped countries in the rest of the world. In the World Bank's masterly treatment of the subject, "the developed countries," which have market economies and are non-Communist, include the United States and Canada in North America, Japan in Asia, the industrialized countries of Western Europe. The developing countries include all of Asia except Japan and the Sino-Soviet bloc, all of Africa except South Africa, all of Latin America, and in southern Europe, Turkey, Yugoslavia, Greece, Spain, and Portugal. Leaving out Russia and China, these developing countries include 70 percent of the people of the world.

In varying degrees they are all in trouble. There is every reason to believe that, without a great change of feeling and policy in the developed nations, the underdeveloped nations face a dismal future. Insofar as they remain weak and disorderly, they will attract the rivalry for influence and power of the great powers.

Although there are many differences among the underdeveloped nations, the one weakness they have in common is that with only rare exceptions—those rich in oil and some minerals—they cannot earn enough by their exports to provide the capital they must have for their own development.

The developed nations buy about three-quarters of the exports of the developed nations. Since the Korean war, the main trend, with only a few years' exception, has been toward rising prices for manufactured goods and declining prices for raw materials. For many, if not for all, of the developing countries their earnings from exports are not sufficient to keep up with the growth of population. Relatively speaking, the rich are getting richer and the poor are getting poorer.

In secular terms, this growing disparity is the paramount problem of mankind, and it is in the context and environment of this disparity that the problems of war and peace will have to be worked out.

This disparity cannot be overcome by preaching and exhorting the developing countries to pull themselves up by their own bootstraps. They cannot and will not do that—certainly not unless they pass through the ordeal of some kind of Stalinist dictatorship. There is again no good prospect that the terms of trade can be reversed by commodity subsidies and stabilization agreements. The only solution is that the rich countries make available to the poor countries the foreign exchange which they can usefully employ to make themselves self-sufficient. This is estimated to be about $4 to $5 billion a year more than is now going out to these countries.

Considering that the gross national product of the developed countries, not including the Soviet Union, rose to over a trillion dollars ($1,100 billion) in 1964, this increased help is really a trifling amount. It would, of course, best be raised and transferred collectively, rather than by any one country such as the United States, and in this work the Soviet Union should, as the President suggested, participate.

Unless the richer countries can rouse themselves to such an indispensable action, they should cease to pretend that they really care about peace among men.

LOCATION OF INDUSTRY IN RURAL AREAS

Mr. RUSSELL of South Carolina. Mr. President, the very able president of the Campbell Soup Co., Mr. W. B. Murphy, made a speech recently in Detroit in which he discussed the location of industry in the rural areas of the Nation.

I was immensely pleased as Governor of South Carolina to assist the Campbell Soup Co. in locating a large, new food processing facility in my own State in the progressive community of Sumter, S.C.

Mr. Murphy refers to this plant, now under construction, in Sumter, one of the outstanding communities in my State. I want very much for the Senate and the Nation to know of the fine experience which Campbell has had in South Carolina and to know of the factors which went into the decision to locate a plant there.

I ask unanimous consent to have Mr. Murphy's remarks printed in the RECORD.

I also ask unanimous consent to have an editorial from the Capital City morning newspaper, the State of Columbia, S.C., printed in the RECORD. It is a fine commentary on Mr. Murphy's remarks.

There being no objection, the speech and editorial were ordered to be printed in the RECORD, as follows:

THE RURAL-URBAN BALANCE

(Remarks made at meeting of the Economic Club of Detroit, Sept. 20, 1965, by W. B. Murphy, president, Campbell Soup Co.)

Michigan is well known throughout the world for its metal working industries, of course. But to those of us in the food industry, it is equally renowned for its high-quality agricultural production and for its position as a leader in education relating to foods. The food industry leans heavily on Michigan farms for a wide variety of ingredients and on its great universities for teaching and research in agriculture, biology, and food distribution.

When one is in the food industry he is likely to find it advantageous and usually necessary to keep closely attuned to the people of our country if for no other reason than that there's a well-established custom of eating foods at least three times a day. Also, the food habits of population are pretty decisive in the success or failure of a food business.

There are two subjects relating to food and people that are much discussed these days and that are of concern to anyone who is thinking of the future. The first of these is the country's and the world's ability to provide the necessary food as population shoots upward; and second, the adequacy of water supplies.

A third subject is less discussed but just as vital—the continued shifting of population from the farms and small rural places to the mammoth metropolitan areas. To a food processor who deals with and is dependent on the farmers in the rural areas, this shifting of people and what it means is a matter of more than small importance.

Today I should like to discuss briefly the first two of these subjects; namely, food production potentials and adequacy of water supply and then deal with the question of where people are going to live and work.

Now, there are many predictions about the things to come. Undoubtedly one of the least unreliable has to do with the future population trend. It is estimated that the population of the United States will come close to doubling and that of the world about double over the next 35 years; that is, by the year 2,000. This sounds like the distant future, but actually it isn't so far off. A growth rate of 2 percent per year means doubling in 35 years.

Can this vastly greater population be fed? This is a complicated subject in itself. There is a different answer for North America than for Asia or South America. For North America, the answer is an unequivocal "yes." For some parts of the rest of the world, the answer hinges on economic, educational and political accomplishments more than on the technical question of the earth's food production potentials. Since food supplies are inadequate now in Asia, the future for food is that part of the globe is full of problems. For the rest of the world, the situation is less questionable.

I believe it is not too difficult to raise food production to a much higher level. The world's arable land is about 6.6 billion acres and only about 3 billion are used for agriculture. Furthermore, substantial progress is being made in reducing the huge crop losses caused by insects, viruses, predators, weeds, and nematodes and there are continued improvements in the techniques of crop production. A combination of reduced losses and better growing methods means that the yield per acre generally can climb to much higher levels. The agricultural productivity in large areas of our country and in many countries of the world is not near its practical limit and will rise as modern agricultural research and development is applied to meet local conditions.

For example, a careful program of agricultural research in Mexico, sponsored by the Rockefeller Foundation, boosted corn and rice crops and enabled that country to become self-supporting and, in fact, an exporting nation for wheat, sugar, and cotton. Mexico is now engaged in a well-rounded research program that is showing fine results for many other crops. In the United States and Canada, the yields per acre for a long list of grains and vegetables have more than doubled since World War II and can go much further with research work now underway. The productivity figures for cattle and poultry have also climbed rapidly. Genetics research can bring resistance to some of the crop debilitating factors. Crop-growing experiments result in improved growing methods. Chemical research is producing means for more effective disease and predator resistance and for weed controls.

The adequacy of water for a population that will nearly double over the next 35 years is vital to the food industry for the simple reason that 40 percent of the water used in the United States today is for irrigation. If a higher percentage of our arable land is to be planted, a primary concern is water supply. The subject of water is just coming into its own as a national problem. The 3-year below-normal rainfall in the Northeast States triggered this sudden general interest, although water as a subject of major national and regional concern would have come to the forefront in any event sooner or later.

There is plenty of water for a doubled population and much more if water supply and its distribution is given attention. It is a sure thing that we are going to have to pay a little more for water in the future. Unmetered homes, unlined irrigation ditches, undistributed surpluses, uncaptured rain and snow run-offs, and untreated waste water, of necessity, will be frowned upon, and as a result, water supplies will probably be adequate for the foreseeable future.

The third subject for discussion here, namely increased population, is more difficult to deal with than food production potentials and water supply. Where is this increased population going to live and work? If the present trend toward greater and greater population concentration continues, there will be rather drastic environmental effects on most of us having to do with the way we live—our taxes and our peace of mind, among other things. Incidentally, the entire September issue of Scientific American is devoted to the problems of the metropolitan areas viewed from the standpoint that big cities will get bigger and bigger.

Why would a businessman and a food processor worry much about population trends as long as they're going up? There are at least two good reasons.

1. As a food processor, he is vitally concerned with the need for continuing increases in crop yields per acre, not only to raise food production, but to help hold consumer food prices. This increasing productivity, involving as it does fewer and fewer farms producing larger and larger crops, carries with it the problem of surplus farm and small town population.

2. As a businessman and taxpayer, he must be interested in the massive problems and in the costs to convert the metropolitan centers into attractive, livable places.

Last March, President Johnson sent a message to Congress on housing and cities. He said:

"Over 70 percent of our population—135 million Americans—live in urban areas. A half century from now 320 million of our 400 million Americans will live in such areas. And our largest cities will receive the greatest impact of growth. In our time, two giant and dangerous forces are converging on our cities; the forces of growth and of decay. Between today and the year 2,000, more than 80 percent of our population increases will occur in urban areas. During the next 15 years, 30 million people will be added to our cities. Each year, in the coming generation, we will add the equivalent of 15 cities of 200,000 each."

Plans are already being considered for the huge metropolitan areas of Boston, New York, Philadelphia, and Baltimore-Washington; for the enormous metropolitan areas centered by the cities of Chicago, Detroit, Miami, San Francisco, and Los Angeles. These plans involve much needed programs for clean-up, rehabilitation, and upgrading. People are to be stacked on top of each other in innumerable large apartment projects—distances from suburbs to city centers will increase, breakfasts will be served earlier and dinners later, transportation needs will soak up vast areas of valuable urban and suburban property.

This picture of greater and greater population concentration is to me unpleasant and expensive, and I would hope, not inevitable. It makes for a more impersonal existence, higher taxes, more Government controls, and in most ways what can be considered a distorted existence, at least by the standards we know today.

Yet, we are on our way to this rather dismal prospect if we continue for the next 35 years the trend toward urban concentration that has characterized the past 35 years.

Thirty-five years ago, the farm population was approximately 30,500,000 people. In 1965, it is about 12,500,000. Farm population was almost one-fourth of our population 35 years ago, whereas today it is only 6½ percent. In contrast, the metropolitan areas with populations of over 1 million totaled 43 million people in 1930 and today about 80 million. The reduction in the farm population has come about through the tremendous productivity improvements in farming, the sharp reduction in numbers of small farms, plus the job opportunities offered in the big cities for people who had difficulty making a living in the rural areas.

An analysis of population figures by counties shows what has been happening. Counties with less than 25,000 population not contiguous to metropolitan areas represent 61 percent of all counties—they also have 61 percent of the land area but only 12 percent of the population. Counties with 25,000 to 100,000 population and not in metropolitan areas represent 26 percent of all counties and 20 percent of the population. Adding these together yields 32 percent of the population as against 42 percent 35 years ago, yet they represent 88 percent of all counties and a corresponding proportion of the land area.

Now, let's look at the metropolitan areas of 1 million or over. There are 164 counties in this category that represent less than 5 percent of the land area but have 41 percent of the population. This population has gone up in a disproportionate amount over the last 35 years. If we examine the record on distribution of employment in manufacturing establishments, the most recent count

shows that the metropolitan areas have 48 percent of the total.

We know that the combination of metropolitan industrialization and scientific farm developments has caused many millions of rural people to go to the metropolitan areas. What problems we created for ourselves. Had industry expanded by decentralization to a far greater extent than now is the case, and had it gone into the thousands of small cities and towns, the rural citizens who could not make a living on their farms could have found jobs in local industry and the overcrowding of big city areas would be far less.

This isn't a phenomenon of North America. The vast slums of Caracas, Mexico City, and Lima, for example, are made up to a considerable degree of families from rural sections who are attracted to the possibility of jobs in the industry that clusters in metropolitan areas. One day the merit of industrial decentralization will be recognized throughout the world and those from the poor farms will find jobs in plants located near their homes.

I believe it is in order to suggest that in the United States of America the disproportionate industrial concentration in the metropolitan areas not go further and further and also to suggest that manufacturers can do themselves a favor and our country a service by allocating a fair share of their new plants to the rural areas.

We already have critical urban problems. Those problems will be compounded if the trend toward the metropolitan areas that characterized the past 35 years continues into the future.

In this city of Detroit, there is an aggressive urban renewal program led by Mayor Cavanagh that obviously is badly needed and which illustrates the kind of attack that must be carried on in all major cities. But Detroit doesn't need to have further migrations from the rural areas.

Philadelphia, where I live, is also making strenuous efforts to upgrade its character and also has a long struggle ahead. It too doesn't need further migrations from the rural counties. The conditions in New York, Chicago, and Los Angeles are too well known to need description here.

It is estimated, and I think it is a reasonable estimate, that over the next 35 years, while our population will double, the number of farms will decrease from today's 3,300,000 to about 1,500,000 and that farm population will drop from today's 12½ million to about 6 million. Since in 35 years the 12½ million will nearly double to approximately 24 million, and farms will then need only 6½ million, this means a surplus of about 18 million. These are conservative figures. Other estimates indicate that there will be only 1 million farms and a farm population of only 4 million. There is no estimate for the future reduction in numbers of people in rural towns serving the farm population. This reduction easily can match in numbers the surplus from the farms. The trend to fewer and fewer farms and lower farm and other rural population has been going on for many years and shows no sign of abating.

This does not mean that our crop production will be less—in fact, it will be far higher but it will be done by much larger farms and by further farm mechanization and other crop productivity gains. I am not suggesting that we are going to have farm factories. An overwhelming proportion of our farms undoubtedly will be family farms as they are today, but these will be family farms of much larger acreage, operated with more sophisticated machinery and with fewer work-hours per unit of crop production. In 1930, the average value of a farm was $10,900—today, the average value of a farm is $68,000. It is estimated that 35 years from now the average value of a farm will be $200,000 or more. This means that there will be fewer farms and millions of people from small farms and rural towns will be looking for jobs. If the trend of the last 35 years continues, they will go to the large cities and mostly to the metropolitan centers.

Farming is an exciting occupation when the farmer has good education and training and when the farm has the potential to be profitable. This means a sizable acreage, high production modern farm machinery, funds for fertilizing and spraying, and ample water supply.

But it's no fun being a break-even or loss farmer and so over the last several decades there has been an evolutionary change entailing large, year-after-year reductions in small farms. This will continue, in all probability, until there remains a hard core of well educated, high income farmers. Speaking as a taxpayer, this will be a good thing in more ways than one.

The fact that there is considerable unemployment in the poor sections of big cities would seem to argue for concentrating new plants in such areas. This seems to me to be a superficial conclusion. There are plenty of job opportunities now in the big cities for trained people.

The principal problem of the unemployed is lack of education. Educated people do not have trouble getting jobs and this applies to all nations and all races. Our unemployment is heavily concentrated in the ages of 16 to 25 and primarily among those without good education or training. Motivate these young people to want an education, to want to work and to want to be trained, and the vast employment opportunities now existing in big cities will be available to them.

If most of the new manufacturing plants are loaded into the metropolitan areas, this won't solve the unemployment problem of the uneducated, but it will cause millions more from the rural counties to drift to the big cities to look for jobs.

You might ask what will stop this greater and greater big-city concentration. People are going to move where they want to and the mobility of the American people is well established. If the jobs are available in the metropolitan areas, the people are going to those jobs. By the same token, if jobs are available in the thousands of small towns and cities away from the metropolitan areas, I think most of the people in these rural areas will not move. They will prefer to live in the circumstances in which they were raised. People everywhere can read. They see television and they read the papers. They know about urban crowding and the urban crimes. They also know that smaller places are friendly. They know that in the small town or city it takes only 5 to 15 minutes to travel between home and work. Generally, parking is not a problem. For those who golf, the golf course is near enough to their place of work to permit nine holes before dinner. If one likes to hunt and fish, the hunting and fishing frequently are quite handy also. If one runs into trouble, the neighbors will help and not look the other way.

Of course, those of us who travel a good deal find much of this industrial decentralization going on right now. Industrial plants are springing up in many places throughout the country, but they are also still springing up in the metropolitan areas as well and in greater proportion. At the present time, we have a continuation of the trend to greater and greater big city crowding.

For the most recent 10-year period for which figures are available, that is 1952–62, the number of business establishments of all kinds, manufacturing, and nonmanufacturing combined, that had over 100 employees, increased from 50,900 to 57,000. Over 48 percent of that increase took place in the already overcrowded 164 counties that represent metropolitan areas.

To place this in another perspective, by the latest figures available, the number of people employed in manufacturing plants in the rural counties is about 1.1 million and has gone up only 450,000 in 20 years. The number of people in manufacturing plants in metropolitan areas is 8.5 million and has gone up 3.4 million in 20 years, over seven times as much as in the rural counties; so 5 percent of the land and 5 percent of the counties have had seven times as many new jobs as the rural 60 percent land area. This is concentration and overcrowding with a vengeance.

If manufacturers were to schedule a fair share of their new plants to the small places distant from the metropolitan areas as suggested here, this could well bring down the wrath of the metropolitan chambers of commerce and metropolitan real estate promoters, but it shouldn't. Even if there were no more manufacturing plants built in the already overcrowded urban areas, there is still more cleaning up to do, more building expansion, more growth in the urban centers than probably can be handled well.

Most of our urban centers now have very difficult water and sewage problems. All of them need housing improvements. Their educational facilities, which should be first-rate to cope with big city problems, are, in general, far from that much-needed level. This applies to the situation today. Without a further disproportionate share of new manufacturing plants added to metropolitan centers, the load on transportation, on water and sewage systems, on housing and on education will be vastly greater in the future for the very simple reason that the metropolitan centers will have constantly rising populations and greater demands on contiguous business.

It happens that there is an enormous segment of the business complex that can't be disassociated from the great population of the metropolitan centers. I refer here to the services industry which includes retailing, wholesaling, utilities, transportation, construction, entertainment, banking, insurance, and all of the other types of services that are necessarily indigenous to the population. They must be located where they are needed. It also happens that the services part of our economy is our fastest growing portion and now exceeds in employment the manufacturing part.

The metropolitan areas will have their hands full adjusting to the growth in the services industries without further massive manufacturing plant loads.

I am not so naive as to think that in this area of industrial development and population growth that everything is cut and dried. In my company, for example, we now have five plants in metropolitan areas. We are in the process of some necessary expansion in three of these plants. We have rehabilitated all of them in order to raise their productivity.

I do not think for the future that it would possibly come about that all new manufacturing plants could be located in the counties of smaller population, but I would hope that a greater portion would be so located than has been the case in the past so that the work force made available by the reduction in numbers of farms would not have to move to the metropolitan areas to find work.

Assuming it to be desirable, how is this scattering of new manufacturing plants to be accomplished? In England and France, for example, it is done by government fiat. Belgium has a most effective voluntary program that stresses the logic of utilizing available rural labor, lower taxes, and low-cost real estate. I think in our country decentralization is now going on to some extent and will be done to a much greater degree as the relative merits of locating in small rural-type communities become more apparent to our manufacturing companies. Lower

costs will be an important factor and here I do mean labor rates, except as they reflect lower living costs.

There are many places in our country where manufacturing can be located away from the metropolitan centers. Of the Nation's 28,800 manufacturing establishments with over 100 employees, only 2,062 are located in these rural counties. This is about one such plant per county. Now it is true, of course, that a part of this land is represented by mountainous or desert areas, but even if we allow for this, there are literally thousands of small places hungering for manufacturing industries. Also, most counties away from metropolitan areas, that have 25,000 to 100,000 population, are far from being overcrowded with manufacturing plants.

Using our company as an example, we recently completed construction of a million-square-foot plant that will ultimately require about 1,500 people in Paris, Tex., a community of about 21,000 people. This was a very close decision as we had dozens of opportunities to go into small places in Texas where conditions were adequate in all respects. We were in the happy position of being able to choose one out of at least a dozen excellent communities. We are now constructing a plant in Sumter, S.C., a town of 23,000. This plant could have gone into any one of fifty locations in the southeastern part of the country, all with adequate land, labor, water, utilities, etc.

I could give examples of other such plants in Ohio, Maryland, Indiana, Minnesota, Nebraska, Arkansas, and California. These plants are located in towns as small as 2,000 population. In these places, employees are sometimes drawn from a radius of 15 to 20 miles. In the past 15 years, our medium-size company has added roughly 14,000 employees in smaller communities as our business has expanded. This has meant that some 50,000 to 60,000 family members have been held in their home communities rather than forced to drift into larger places looking for jobs plus at least that number of people in the services industries dependent on money circulating from those families.

Of course, there are some obstacles to operating manufacturing plants in small cities and towns. The difficulties might be considered to be these: lack of management and executive personnel, reluctance of some company executives or their wives to take assignments in small communities, lack of trained mechanical workers, inadequate utilities, and lack of construction work forces. Of all of these, the most serious one is the possibility of inadequate utilities. It may be necessary to put in one's own water or sewage system. This is an extra cost, of course, but we have found it to be more than offset by the lower tax rates. The matter of the lack of trained people is a myth in my opinion. The men and women from farms and small towns tend to have good work habits because of their way of life and their early training. Our organization at Paris, Tex., for example, where we took a green force from scratch and trained it to handle some of the fastest metalworking machines, such as, can body makers and aluminum presses, and intricate electrical devices, such as electronic sorting machines, automatic controls and computers, developed the necessary skills in at least as short a time as is par for the course in urban centers.

Being the main industry in a town has many advantages but also I suppose has the disadvantage of being constantly in the spotlight. However, an industry that deals fairly with its neighbors and employees has lots of friends. This can be important during critical periods.

Small towns cannot compete with large centers for cultural activities—the theater, museums, concerts, lectures, etc.—but I don't think this is a critical matter. There are fast airplane services, national magazines, national newspapers, and national radio and television, but most of all, the fast and frequent means of travel permits those who live in small places to visit large cities with great ease and at low travel cost. And, I suppose, we might put forth the advantages of communing with nature as being a cultural advantage favoring the small town.

If someone should ask us whether rural places and small towns can equal the urban centers as the spawning ground for business, government, education, and scientific leaders, the record to date indicates that the answer is "Yes." For example, of the 100 presidents of the country's leading industrial firms, 23 were born in metropolitan areas, but 41 came from small towns or rural communities. Of the 100 U.S. Senators, only 13 came from metropolitan areas, while 59 came from the predominantly rural counties. For the President and his Cabinet composed of 12, only 3 came from metropolitan areas, and 5 came from rural places. Of the 20 heads of the Nation's leading colleges and universities, only 3 were born in metropolitan areas, while 12 came from small towns and farms. Of the 20 top men in the National Academy of Sciences, which includes 11 members of the Council and 9 division chairmen, 4 were born in metropolitan areas, while 9 were born in small places. This does not prove that the rural counties are better than the metropolitan areas for developing future leaders, but it does indicate pretty persuasively that there is no disadvantage to being born and brought up on a farm or in a small rural town.

I think I have certainly shown a leaning toward locating a fair share of manufacturing plants away from the big population centers at this stage in our country's development. My purpose has not been to disparage the big city, but rather to indicate the importance of avoiding further unnecessary overcrowding and additional distortions in our already mammoth centers that will result through failing to provide jobs in the rural counties for the coming millions from these rural counties who will need nonfarm jobs.

[From The State, Columbia, S.C., Sept. 24, 1965]

FARM AND FACTORY

Three cheers for W. B. Murphy and his refreshing view of rural America in an industrial age.

Mr. Murphy is president of Campbell Soup Co., one of South Carolina's latest bluechip corporate citizens. He also is a champion of a point of view which gives both credit and confidence to Americans who live on the farms in the small towns which dot the hinterland.

He harbors no hostility against big city folk. On the contrary, he probably casts a loving eye on the teeming millions who inhabit our metropolitan centers, since they constitute the greatest market for his products. But when it comes to the business of locating industrial plants, Mr. Murphy correctly sees that further industrialization of big cities will simply add to urban congestion, confusion, and complexity.

He advocates a decentralization of industry, with particular attention being paid to the placement of plants in less-populated areas. His company's decision to locate a Campbell's plant at Sumter is a case in point. His thinking and the corporation's policy serve the double-barreled purpose of reducing urbanization while stimulating economic progress in rural areas.

Just this week, Mr. Murphy voiced this concept before the Economic Club of Detroit in these words:

"If jobs are available in the metropolitan areas, the people are going to those jobs. By the same token, if jobs are available in the thousands of small towns and cities away from metropolitan areas, I think most of the people in these rural areas will not move. They will prefer to live in the circumstances in which they were raised."

That attitude is not new in South Carolina, for many textile and other firms already have built thriving factories far from the cities of our State. Their decision has been vindicated, for the productivity of these out-of-town plants has surpassed their fondest hopes in almost every instance.

Mr. Murphy himself pointed out to his Detroit listeners that the work habits of men and women from the farms and small towns make them productive employees in industry. Many a country boy (or girl) can testify that the 40-hour workweek of industry is a welcome relief from the dawn-to-dusk labor down on the farm.

Furthermore, industrial work hours make if possible for many an employee to do a little farming along with his factory work, at least to the extent of maintaining a garden and perhaps some livestock and poultry.

Mr. Murphy and Campbell's Soup are not blazing any novel trail in South Carolina, but their obvious dedication to the idea of rural industry adds stature and stability to a concept which can mean much to the entire Nation.

We naturally are interested in seeing the pattern followed in South Carolina and the South. But the larger view envisions a similar application all over America, with the inevitable result that the Nation as a whole will benefit from the strengthening of the agricultural economy and the stabilizing of the rural population.

Making good-paying jobs available within easy reach of rural folk is one answer—perhaps the best one yet—to the recurring question of slowing the rush from country into the city.

THE CHINA CLIPPER

Mr. INOUYE. Mr. President, today I wish to add my voice to those hailing the 30th anniversary of the historic flight of Pan American Airways over the Pacific Ocean to Hawaii and beyond to the Orient shores of that sea.

When the China Clipper rose from the waters of San Francisco Bay on November 22, 1935, its first destination was Hawaii—my land and now my State.

Such was the precise planning of the men who directed Pan American Airways and the men who flew those early flying boats, that the China Clipper settled on the water at Honolulu practically on the minute of her scheduled time.

Up until that flight, which was the first commercial scheduled flight to cross any of the earth's major oceans, the only airplanes that had flown the 2,400 miles that separate Hawaii from the mainland were daring stunt flights.

We all recall the Dole flights. We remember the remarkable feats of Sir Charles Kingsford-Smith, the valiant Australian. These flights were once-only, special flights with special preparations in the way of extra gas tanks and no mail or cargo.

In its way Pan American's first flight was a special flight. There were special preparations for it. Eight years of over-ocean flying experience lay behind it, from those first days in 1927 when the young Juan T. Trippe launched the first regular flights from Key West 90 miles to Havana.

In those 8 years Pan American had expanded down through Central and South America and into the Caribbean. They were years of the application of sound

engineering to flying, of scientific building of aircraft capable of safe, long-range trips. They were years of developing new techniques in radio and navigation.

Ever since 1919 when the 20-year-old Juan Trippe was fresh out of the Navy air arm of World War I, this youth had thought of a day when flying would be a regular means of communication and not a thing of barnstorming pilots flying from cow pastures in Jenny biplanes.

He felt that with the American genius for planning and construction, and the American spirit for overcoming obstacles, there was no part of the world that could not in time be reached by regular and dependable air service.

This, then, is what he and his colleagues provided in the Pacific in 1935, by pioneering the air route between the mainland and Hawaii, thus starting a trend that today makes me proud of representing the 50th State of the Union.

That first flight of the China Clipper—an enormous flying machine in its day with four of the most powerful engines then developed—reached Hawaii in 20 hours. It was aptly named a "Clipper" for it carried on in the air the tradition of those Yankee clipper ships which in the days of sail were the fastest things afloat on the vast oceans of the world.

Sailing ships had yielded to steam in those days 30 years ago. Yet it took the fastest steamer almost 5 days to make the voyage from San Francisco to Honolulu. Here in one abrupt leap the time distance separating my islands and the mainland had been cut to one-sixth or less overnight.

Since that day this pioneering airline has continued to spur the design and production of yet faster airplanes. The China Clipper, which was a Martin M–130, gave way to the Boeing B–314 Clipper, larger and faster, bringing Hawaii still closer to the mainland.

During World War II this fast route to Hawaii became an aerial lifeline, with Pan American's great planes flying men and military supplies of the highest priority.

After the war, with the advent of suitable landing fields, Pan Am introduced faster land planes—the DC–4, the Constellation, and the Boeing Stratocruiser. The time was cut to 12, to 11, to 9 hours.

Then, with the 350-mile-an-hour DC–7's, to 7½ hours. In 1959 when Pan American was first to introduce jets on the run, the time was cut to the present 5 hours.

Five hours. Five hours against the 5 days of just 30 years ago. Days turned into hours. The 50th State brought next door. The meaning of this to Hawaii has been incalculable. It has brought us visitors, first in the thousands, then in the tens of thousands, and now in the hundreds of thousands per year.

Pan Am's leadership was not only in speed and safety. It has pioneered in reducing the costs of air travel. Another idea of Juan Trippe's was to help bring about the day when air travel could be brought within the range of the man of average purse. And now we are seeing that day in tourist travel to Hawaii. Secretaries can spend their vacations in the fragrance of ginger blossoms and Plumeria flowers—by the golden sands of Waikiki and in the neighbor islands of Hawaii, Maui, and Kauai.

New hotels have risen on the beaches of the neighbor islands and the jets of today bring over the visitors to fill them. Yet there are vast areas of open country, miles of vacant sandy beaches still open in our State. The potential has hardly been tapped, even with a tide of visitors now grown beyond the half million a year point.

The airplane did this, thanks to its ability to bring the cost of travel down to the level of the wage earner. In the early days of Pan Am's air service to Hawaii the one-way fare was $360 when the dollar was worth at least three times what it is today. In other words it was the equivalent of $1,000 in today's money.

Yet today the fare from the mainland to Hawaii has been brought down to just $100. The travel time reduced from 5 days to 5 hours, the fare reduced to a tenth of what it was—and all in just 30 years.

No wonder our land has burgeoned. No wonder it has joined the Union as the 50th State.

Such is the air age ushered in just 30 years ago by that historic flight of Pan American Airways.

POPE PAUL'S VISIT HAS LEFT ITS MARK

Mr. CHURCH. Mr. President, Mary McGrory, for the Washington Evening Star, writes:

America's first papal visit began in uncertainty on both sides and ended in glowing satisfaction all around. It also helped to define the personality and purpose of Pope Paul VI better than any episode of the pontificate he assumed 3 years ago. His commitment is to the United Nations; his mission is world peace.

It was my great privilege, Mr. President, to have been present in the chamber of the General Assembly at the United Nations when Pope Paul delivered his historic message. I was struck by the fervor of his plea for peace, and by the strength of his endorsement of the United Nations. He not only called it "the last hope of concord and peace," but described it as a "bridge between peoples" helping "to hasten their economic and social progress."

Mr. President, I ask unanimous consent that the full text of Pope Paul's eloquent address at the United Nations be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TRANSLATION OF POPE'S ADDRESS AT U.N.

As we commence our address to this unique world audience, we wish to thank your Secretary General, U. Thant, for the invitation which he extended to us to visit the United Nations, on the occasion of the 20th anniversary of the foundation of this world institution for peace and for collaboration between the peoples of the entire earth.

Our thanks also to the President of the General Assembly, Mr. Amitore Fanfani, who used such kind language in our regard from the very day of his election.

We thank all of you here present for your kind welcome, and we present to each one of you our deferential and sincere salutation. In friendship you have invited us and admitted us to this meeting; and it is as a friend that we are here today.

We express to you our cordial personal homage, and we bring you that of the entire Second Vatican Ecumenical Council now meeting in Rome, and represented here by the eminent cardinals who accompany us for this purpose.

In their name and in our own, to each and every one of you, honor and greeting.

This encounter, as you all understand, marks a simple and at the same time a great moment. It is simple because you have before you a humble man; your brother; and among you all, representatives of sovereign states, the least invested, if you wish to think of him thus, with a minuscule, as it were symbolic, temporal sovereignty, only as much as is necessary to be free to exercise his spiritual mission, and to assure all those who deal with him that he is independent of every other sovereignty of this world.

But he, who now addresses you, has no temporal power, nor any ambition to compete with you. In fact, we have nothing to ask for, no question to raise; we have only a desire to express and a permission to request; namely, that of serving you insofar as we can, with disinterest, with humility and love.

FIRST DECLARATION

This is our first declaration. As you can see, it is so simple as to seem insignificant to this assembly, which always treats of most important and most difficult matters.

We said also, however, and all here today feel it, that this moment is also a great one. Great for us, great for you.

For us: you know well who we are. Whatever may be the opinion you have of the Pontiff of Rome, you know our mission.

We are the bearer of a message for all mankind. And this we are, not only in our own personal name and in the name of the great Catholic family; but also in that of those Christian brethren who share the same sentiments which we express here, particularly of those who so kindly charged us explicitly to be their spokesman here.

Like a messenger who, after a long journey, finally succeeds in delivering the letter which has been entrusted to him, so we appreciate the good fortune of this moment, however brief, which fulfills a desire nourished in the heart for nearly 20 centuries.

For, as you will remember, we are very ancient; we here represent a long history; we here celebrate the epilog of a wearying pilgrimage in search of a conversation with the entire world, ever since the command was given to us: Go and bring the good news to all peoples.

Now, you here represent all peoples, allow us to tell you that we have a message, a happy message, to deliver to each one of you and to all.

1. We might call our message a ratification, a solemn moral ratification of this lofty institution. This message comes from our historical experience.

As "an expert in humanity," we bring to this organization the suffrage of our recent predecessors, that of the entire Catholic episcopate and our own, convinced as we are that this organization represents the obligatory path of modern civilization and of world peace.

In saying this, we feel we are making our own the voice of the dead and of the living; of the dead who fell in the terrible wars of the past; of the living who survived those wars, bearing in their hearts a condemnation of those who would try to renew wars; and also of those living who rise up fresh and confident, the youth of the present generation, who legitimately dream of a better human race.

And we also make our own the voice of the poor, the disinherited, the suffering, of those who hunger and thirst for justice, for the dignity of life, for freedom, for well-being and progress. The peoples of the earth turn to the United Nations as the last hope of concord and peace; we presume to present here, with their tribute of honor and of hope, our own tribute also. That is why this moment is great for you, also.

2. We feel that you are already aware of this. Harken now to the continuation of our message. It becomes a message of good wishes for the future. The edifice which you have constructed must never fall; it must be perfected, and made equal to the needs which world history will present.

You mark a stage in the development of mankind from which retreat must never be admitted but from which it is necessary that advance be made.

To the pluralism of states, which can no longer ignore one another, you offer an extremely simple and fruitful formula of coexistence.

First of all, you recognize and distinguish the ones and the others. You do not confer existence upon states; but you qualify each single nation as fit to sit in the orderly congress of peoples.

That is, you grant recognition, of the highest ethical and juridical value, to each single sovereign national community, guaranteeing it an honored international citizenship.

A GREAT SERVICE

This in itself is a great service to the cause of humanity, namely to define clearly and to honor the national subjects of the world community, and to classify them in a juridical condition, worthy thereby of being recognized and respected by all, and from which there may derive an orderly and stable system of international life.

You give sanction to the great principle that the relations between peoples should be regulated by reason, by justice, by law, by negotiation; not by force, nor by violence, not by war, not by fear or by deceit.

Thus it must be. Allow us to congratulate you for having had the wisdom to open this hall to the younger peoples, to those states which have recently attained independence and national freedom. Their presence is the proof of the universality and magnanimity which inspire the principles of this institution.

Thus it must be. This is our praise and our good wish; and, as you can see, we do not attribute these as from outside; we derive them from inside, from the very genius of your institution.

3. Your charter goes further than this, and our message advances with it. You exist and operate to unite the nations, to bind states together.

Let us use this second formula: to bring the ones together with the others.

You are an association. You are a bridge between peoples. You are a network of relations between states. We would almost say that your chief characteristic is a reflection, as it were, in the temporal field, of what our Catholic Church aspires to be in the spiritual field: unique, and universal.

In the ideological construction of mankind, there is on the natural level nothing superior to this. Your vocation is to make brothers not only of some but of all peoples, a difficult undertaking, indeed; but this it is, your most noble undertaking. Is there anyone who does not see the necessity of coming thus progressively to the establishment of a world authority, able to act efficaciously on the juridical and political levels?

WISH REITERATED

Once more we reiterate our good wish: Advance always. We will go further, and say: strive to bring back among you any who have separated themselves, and study the right method of uniting to your pact of brotherhood, in honor and loyalty, those who do not yet share in it.

Act so that those still outside will desire and merit the confidence of all; and then be generous in granting such confidence. You have the good fortune and the honor of sitting in this assembly of peaceful community; hear us as we say: insure that the reciprocal trust which here unites you, and enables you to do good and great things, may never be undermined or betrayed.

4. The inherent logic of this wish, which might be considered to pertain to the very structure of your organization, leads us to complete it with other formulas. Thus, let no one, inasmuch as he is a member of your union, be superior to the others; never one above the other.

This is the formula of equality. We are well aware that it must be completed by the evaluation of other factors besides simple membership in this institution; but equality, too, belongs to its constitution.

You are not equal, but here you make yourselves equal.

For several among you, this may be an act of high virtue; allow us to say this to you, as the representative of a religion which accomplishes salvation through the humility of its Divine Founder. Men cannot be brothers if they are not humble.

It is pride, no matter how legitimate it may seem to be, which provokes tension and struggles for prestige, for predominance, colonialism, egoism; that is, pride disrupts brotherhood.

5. And now our message reaches its highest point, which is, at first, a negative point.

You are expecting us to utter this sentence, and we are well aware of its gravity and solemnity:

Not the ones against the others, never again, never more.

It was principally for this purpose that the organization of the United Nations arose: against war, in favor of peace.

Listen to the lucid words of the great departed John Kennedy, who proclaimed, 4 years ago: "Mankind must put an end to war, or war will put an end to mankind."

Many words are not needed to proclaim this loftiest aim of your institution. It suffices to remember that the blood of millions of men, that numberless and unheard of sufferings, useless slaughter, and frightful ruin, are the sanction of the pact which unites you, with an oath which must change the future history of the world:

WAR NEVER AGAIN

No more war, war never again. Peace, it is peace which must guide the destinies of peoples and of all mankind.

Gratitude to you, glory to you, who for 20 years have labored for peace. Gratitude and glory to you for the conflicts which you have prevented or have brought to an end. The results of your efforts in recent days in favor of peace, even if not yet proved decisive, are such as to deserve that we presuming to interpret the sentiments of the world, express to you both praise and thanks.

Gentlemen, you have performed and you continue to perform a great work: the education of mankind in the ways of peace. The U.N. is the great school where that education is imparted. And we are today in the assembly hall of that school.

Everyone taking his place here becomes a pupil and also a teacher in the art of building peace. When you leave this hall, the world looks upon you as the architects and constructors of peace.

Peace, as you know, is not built up only by means of politics, by the balance of forces and of interests. It is constructed with the mind, with ideas, with works of peace.

You labor in this great construction. But you are still at the beginnings.

Will the world ever succeed in changing that selfish and bellicose mentality which, up to now, has been interwoven into so much of its history?

It is hard to foresee; but it is easy to affirm that it is toward that new history—peaceful, truly human, history, as promised by God to men of good will, that we must resolutely march; the roads thereto are already well marked out for you; and the first is that of disarmament.

LET THE ARMS FALL

If you wish to be brothers, let the arms fall from your hands. One cannot love while holding offensive arms.

Those armaments, especially those terrible arms which modern science has given you, long before they produce victims and ruins, nourish bad feelings, create nightmares, distrust and somber resolutions; they demand enormous expenditures; they obstruct projects of union and useful collaboration; they falsify the psychology of peoples.

As long as man remains that weak, changeable and even wicked being that he often shows himself to be, defensive arms will, unfortunately, be necessary.

You, however, in your courage and valiance, are studying the ways of guaranteeing the security of international life, without having recourse to arms.

This is a most noble aim, this the peoples expect of you, this must be obtained.

Let unanimous trust in this institution grow, let its authority increase; and this aim, we believe, will be secured.

Gratitude will be expressed to you by all peoples, relieved as they will then be from the crushing expenses of armaments, and freed from the nightmare of an ever-imminent war.

We rejoice in the knowledge that many of you have considered favorably our invitation, addressed to all states in the cause of peace from Bombay, last December, to divert to the benefit of the developing countries at least a part of the savings, which could be realized by reducing armaments.

We here renew that invitation, trusting in your sentiments of humanity and generosity.

6. In so doing, we become aware that we are echoing another principle which is structural to the United Nations, which is its positive and affirmative high point; namely, that you work here not only to avert conflicts between states, but also to make them capable of working the ones for the others.

You are not satisfied with facilitating mere coexistence between nations; you take a much greater step forward, one deserving of our praise and our support—you organize the brotherly collaboration of peoples.

In this way a system of solidarity is set up, and its lofty civilized aims win the orderly and unanimous support of all the family of peoples for the common good and for the good of each individual.

This aspect of the organization of the United Nations is the most beautiful; it is its most truly human visage; it is the ideal of which mankind dreams on its pilgrimage through time; it is the world's greatest hope; it is, we presume to say, the reflection of the loving and transcendent design of God for the progress of the human family on earth—a reflection in which we see the message of the gospel which is heavenly become earthly.

Indeed, it seems to us that here we hear the echo of the voice of our predecessors, and particularly of that of Pope John XXIII, whose message of "Pacem in Terris" was so honorably and significantly received among you.

RIGHTS PROCLAIMED

You proclaim here the fundamental rights and duties of man, his dignity, his freedom—and above all his religious freedom. We feel that you thus interpret the highest sphere of human wisdom and, we might add, its sacred character. For you deal here above all with human life; and the life of man is sacred; no one may dare offend it. Respect

for life, even with regard to the great problem of birth, must find here in your assembly its highest affirmation and its most reasoned defense.

You must strive to multiply bread so that it suffices for the tables of mankind, and not rather favor an artificial control of birth, which would be irrational, in order to diminish the number of guests at the banquet of life.

It does not suffice, however, to feed the hungry, it is necessary also to assure to each man a life conformed to his dignity. This too you strive to perform. We may consider this the fulfillment before our very eyes, and by your efforts, of that prophetical announcement so applicable to your institution: "They will melt down their swords into plowshares, their spears into pruning forks."

Are you not using the prodigious energies of the earth and the magnificent inventions of science, no longer as instruments of death but as tools of life for humanity's new era?

We know how intense and ever more efficacious are the efforts of the United Nations and its dependent world agencies to assist those governments who need help to hasten their economic and social progress.

We know how ardently you labor to overcome illiteracy and to spread good culture throughout the world; to give men adequate modern medical assistance; to employ in man's service the marvelous resources of science, of technique and of organization—all of this is magnificent, and merits the praise and support of all, including our own.

We, ourselves, wish to give the good example, even though the smallness of our means is inadequate to the practical and quantitative needs. We intend to intensify the development of our charitable institutions to combat world hunger and fulfill world needs. It is thus, and in no other way, that peace can be built up.

7. One more word, gentlemen, our final word: this edifice which you are constructing does not rest upon merely material and earthly foundations, for thus it would be a house built upon sand; and above all, it is based on our own consciences.

The hour has struck for our "conversion," for personal transformation, for interior renewal. We must get used to thinking of man in a new way; and in a new way also of men's life in common; with a new manner, too, of conceiving the paths of history and the destiny of the world, according to the words of St. Paul: "You must be clothed in the new self, which is created in God's image, justified and sanctified through the truth" (Ephesians iv: 23).

The hour has struck for a halt, a moment of recollection, of reflection, almost of prayer; a moment to think anew of our common origin, our history, our common destiny.

Today as never before, in our era so marked by human progress, there is need for an appeal to the moral conscience of man. For the danger comes not from progress nor from science; indeed, if properly utilized, these could rather resolve many of the grave problems which assail mankind.

No, the real danger comes from man himself, wielding evermore powerful arms, which can be employed equally well for destruction or for the loftiest conquests.

In a word, then, the edifice of modern civilization must be built upon spiritual principles which alone can not only support it but even illuminate and animate it.

We believe, as you know, that these indispensable principles of superior wisdom must be founded upon faith in God, that unknown God of whom St. Paul spoke to the Athenians in the Areopagus; unknown to them, although without realizing it, they sought Him and He was close to them, as happens also to many men of our times.

To us, in any case, and to all those who accept the ineffable revelation which Christ has given us of Him, He is the living God, the Father of all men.

REPEAL OF SO-CALLED RIGHT-TO-WORK LAWS

Mr. BASS. Mr. President, there was a considerable discussion on the floor of the Senate concerning editorials in Tennessee newspapers on the subject of repealing section 14(b). Along this same line a weekly newspaper in the oldest town in Tennessee, the Herald and Tribune of Jonesboro, printed an editorial recently which expressed in part some of the salient points I sought to make earlier on this floor.

This editorial rightly points out that the repeal of this provision would merely mark a return to the democratic principles of self-government and would relegate the advertising misnomer "right-to-work laws" to its rightful place in oblivion. I ask unanimous consent, not to read, but to insert this article in the RECORD and commend it to the Senate's attention.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EDITORIALS FOR RIGHT-TO-WORK LAW REPEAL

(EDITOR'S NOTE.—Last week the Herald and Tribune published an editorial on the "Right-to-Work Law," which was this editor's view on this subject. However, my partner, Mr. Allen, does not agree with these views and we feel it only fair to give him the opportunity to express his opinion.)

The so-called "right-to-work" law now in force in Tennessee and possibly up for repeal in Congress is a great misnomer fostered upon the people by smooth-mouthed Madison Avenue ad men for wealthy management.

I am still old fashioned enough to believe that this country's basic freedom is the belief that the majority rules and the minority lives by these rules.

Without this fair concept, how can we govern ourselves?

If the minority has the right to work in a plant as a nonunion employee when the majority wants union representation, then why not let the minority of our Washington County farmers who did not want controlled allotments for tobacco, plant all the tobacco they want to in defiance of the wishes of the majority and still reap the benefits of the controlled higher prices on tobacco?

If the right to work is good for minorities in unions, why not let the minority of the people who do not like our civil laws, passed by the majority, go along running stop signs, killing, raping, and whatsoever they please just because they do not agree with the majority?

Since when do we think we, as civilized people, can set up two sets of standards as rules—one set for the majority and one set for the minority? Ridiculous, absurd, utter chaos.

If the majority of the workers in a plant, by supervised controlled voting, decide they want to join together in a union for collective bargaining to better their welfare and station in life, then I see no reason why the minority should not be forced to go along.

Let's repeal the Madison Avenue slogan "right-to-work laws" and allow our working people to enjoy the same rules of self-government and democracy which made our country the greatest in the world because of self-government by the majority.

PRESIDENT JOHNSON REINCARNATES ONE OF OUR OLDEST AND FINEST TRADITIONS

Mr. GRUENING. Mr. President, in his ceremony last Sunday at the Statue of Liberty, President Johnson, in signing into law the bill broadening and liberalizing our immigration and naturalization laws, reaffirmed the freedom-loving stance of the United States.

At the same time he issued a clear challenge to Castro in Cuba. Castro had made some vague utterances about permitting the many who were dissatisfied with his regime to leave.

President Johnson accepted the challenge and stated that the United States would accept those who wanted to flee the repressions of Cuba under Castro.

I commend President Johnson for the excellent manner in which he accepted Castro's challenge and join with President Johnson in reaffirming the fact that "the lesson of our times is sharp and clear in this movement of people from one land to another. Once again, it stamps the mark of failure on a regime when many of its citizens voluntarily choose to leave the land of their birth for a more hopeful home."

It was appropriate and significant that President Johnson made this announcement when he was signing the immigration bill. In thus opening the door to the victims of political persecution, he was reincarnating one of the finest and oldest of American traditions. It has been these refugees from tyranny abroad who have appreciated the meaning of America's freedom. Such as they have helped to make our country.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent that I be allowed to speak from the desk of the able and distinguished senior Senator from Iowa [Mr. HICKENLOOPER].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished senior Senator from New Hampshire [Mr. COTTON], with the understanding that I shall not lose my right to the floor, and

that his remarks will appear elsewhere in the RECORD, and that upon my resumption, it will not be considered a second speech by me on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LATE JONATHAN DANIELS, OF KEENE, N.H.

During the delivery of Mr. THURMOND'S speech,

Mr. COTTON. Mr. President, due to the fact that it was necessary for me to be absent from the Senate last week, I was unable to speak upon a matter which to me is of pressing importance. Therefore, I ask unanimous consent that I be allowed to speak to a subject not germane to the motion pending before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COTTON. Mr. President, on the 20th day of August, Jonathan Daniels, a young man from the city of Keene, in the State of New Hampshire, was brutally murdered in Lowndes County, Ala. Comment has been made by many persons upon this incident. Comment has been made in the Senate upon this incident. Mr. President, I have purposely refrained from commenting upon it until the present time, for two reasons.

First—and this is not in criticism of any other Senator who may have commented upon it—I wanted to wait and give the courts in Lowndes County, Ala., an opportunity to act, and to find out if justice would be dispensed, before anticipating their action by making any observations on the case. My second reason for not commenting upon it was of even more importance, at least to me.

In the death of Jonathan Daniels, not only did I lose a close personal friend, one who had been associated with me in my office in the Senate; but because of my long and close association with his family, I felt as if I had lost one from my own family circle.

I did not choose, and I do not choose today, to make the remarks that I feel I must make on the floor of the Senate for political purposes or for public purposes. I feel impelled to make them because the memory of Jonathan Daniels has been blackened and assailed by perjured testimony.

As one who knew Jonathan as a boy, who knew him well and, I think I may say, intimately, I want to raise my voice to purge his memory of unjust accusations. Because of my association with him and because what I shall say is testimony from personal knowledge, it is appropriate that I should indicate to the Senate how it happened that I knew him so well.

Jonathan Daniels' grandfather, a country doctor, was the doctor in the little town of Warren, high up in the hills of New Hampshire, where I was born and spent my boyhood. Dr. George A. Weaver, one of the finest men who ever lived, was our family physician. He was the only citizen of our little village who had a college education. It was because of my admiration for Dr. Weaver that I was inspired to go to the school of which he was a graduate, and work my way through Philips Exeter Academy, at Exeter, N.H., the school about which he used to talk with me when I was a small boy.

Dr. Weaver's daughter, the mother of Jonathan Daniels, was a schoolmate of mine in the village schools at Warren, N.H. She was perhaps 3, 4, or 5 years younger than I and was in one of the lower grades when I was in the upper grades; but I knew her from the time she was a little girl in that small town. She married Dr. Philip Daniels, of the city of Keene, N.H., whom I also came to know well. Dr. Daniels was one of the highest type of selfless practicing physicians that I have ever known. He passed away a few years ago. He died as a result of wounds and injuries received in the service of his country in World War II. Such was the background of young Jonathan Daniels.

Jonathan was a shy, sensitive, refined, retiring, and extremely talented young man. He won honors in every school, college, and institution that he attended. When he was nearing his graduation from Virginia Military Institute, I had correspondence with him, having talked with him earlier, and under date of April 15, 1961, I received a letter from Jonathan. Rather than merely to insert the letter in the RECORD, I shall read it, because it gives a clear picture of the kind of boy and the kind of man Jonathan was.

The letter is dated April 15, 1961, and reads:

VIRGINIA MILITARY INSTITUTE,
Lexington, Va., April 15, 1961.

Hon. NORRIS COTTON,
U.S. Senate, Committee on Interstate and Foreign Commerce, District of Columbia.

DEAR SENATOR COTTON: Much to my chagrin, several months have elapsed since your thoughtful letter of the 9th of February. So many thanks for your energetic and astonishing efforts in my behalf. To my own profound gratitude I add that of all the family—and what I know would have been the warm thanks of my father and my grandfather.

Eventually my financial affairs for this last term of college were resolved far more simply and adequately than I could have imagined possible. The loan of the first semester, which I mentioned in my last letter, was duplicated this term, with an additional loan of $100. This completed my payments for the year. Thus it was not necessary to follow the advice of Mr. James W. Moore, whose letter you enclosed with your letter of the 9th of February. I am nevertheless grateful for his efforts, as I am for yours.

I am delighted to be able to share with you more good news. Recently I learned of my appointment as a 1961 Danforth fellow. My fellowship, renewable for 3 years of graduate study leading to the doctorate, will cover tuition and living expenses at the university of my first choice—Harvard—where I was accepted for graduate work in English early in March. Among other things, it will be delightful to be in Cambridge for what has begun to seem the long-lost New England autumn. My program, at least for the time being, will include the English literature of the 17th and 19th centuries, comparative and contemporary literature, and classical and modern languages. If medicine does not ultimately claim my commitment—as well it may—I shall take a doctorate and go into college teaching, for which my fellowship is designed.

Recently I talked with Wayne Miskelly, among my oldest friends in Keene, who told me of his experience last summer in Washington as a postal clerk in the Senate Building. Although it is late in the spring term, I am taking the liberty of requesting from you information on the possibility of securing a position with you for the summer. Although I recognize clearly the imposition which I submit for your consideration, I suspect that with my interests and qualifications I might be of some use to you.

There is, after all, a fairly noble tradition in English history of quasi-political involvement by men of letters. Removing my tongue from my cheek, I should rejoice in an opportunity to observe organic government at work, even from a very humble point of view. I do have an ulterior motive—the need to be self-supporting while I do some course work, either day or night, in preparation for passing the language requirements of Harvard University—probably Greek, Latin, and German. If it is not possible for you, yourself, to employ me or secure my employment (I do not, of course, ask the impossible) perhaps you could suggest the agency with whom I should get in touch. In either case, I should be most thankful.

In order that you may have some means of gaging my aptitudes, I submit my qualifications, scholastic honors, and principal extracurricular activities. The 11th of June I shall receive my bachelor's degree in English, I hope with honors. During my last 3 years of college I have achieved scholastic honors, consisting of an "A" average, academic stars, and regular appearance on the dean's honor list. I was fortunate this year, as you may remember, to have been selected for citation in the 1960–61 edition of "Who's Who Among Students in American Colleges and Universities." I am president of the Raymond E. Dixon English Society, editorial editor of the VMI Cadet, and a member of the Timmins Music Society, of which I was executive director last year. Until this year, when other activities forced me to resign with regret, I was an active member of the VMI Glee Club, in which I served a number of times as tenor soloist. Last summer I gained what I consider to have been invaluable experience in summer stock with the Yankee Players at the Keene Summer Theater. My sophomore year I was elected to the cadet vestry of the Robert E. Lee Memorial Church, Protestant Episcopal. To this list, for reference, may be added my appointment as a Danforth fellow and my acceptance for admission to Harvard.

I hope that I am not too late in offering my services for the summer. Should it be ultimately impossible for you to assist me, I shall nevertheless be grateful for your consideration. From my point of view—I do not presume to speak for the folks at home—there will be few difficulties with respect to living in Washington. I have made tentative arrangements to take an apartment with a boy from VMI, and I shall have a car (Grandfather Daniel's 1946 Buick).

Again and again, my heartiest thanks for your astonishing interest in my progress. With my thanks you have always my best wishes. I read with amusement, by the way, your comment on the principle of congressional intertia in Albrights' "Gallery Glimpses" in the Washington Post. I am sending the clipping home for family edification.

Faithfully yours,
JONATHAN MYRICK DANIELS.

Mr. President, I took the time to read that letter in full because, from that letter written to me back in 1961 emerges the clear picture that the boy who wrote it—he was only 26 when he was murdered last August—was talented, scholastic, ambitious, emotional, and idealistic,

but also he was a clean, honorable, and extremely promising young man.

Shortly after receiving the letter, I noted in a New Hampshire paper that Jonathan Daniels had been chosen valedictorian of the 1962 graduating class at Virginia Military Institute. I recall that at that time I congratulated his mother on this additional accomplishment.

Mr. President, I was able to give Jonathan Daniels summer employment. He spent the summer of 1962 working in the Senate Office Building and in the Capitol Building and had a desk in my office. I came to know him in that capacity. He was all that I have stated—a brilliant and talented young man.

It is sad indeed that this boy was murdered. It was a sad day indeed for Lowndes County, Ala., and for the United States of America in the eyes of the world when the judge and the jury in an American county conducted a trial which was a mockery.

But that was not the most tragic feature. The most tragic feature was that to attempt to justify, to excuse, to completely exonerate a brutal, coldblooded murder, testimony was introduced reflecting on the character of Jonathan Daniels. The man who sat on the bench—Mr. President, I say this with cold deliberation, and no one in the Senate can accuse the senior Senator from New Hampshire of being a zealot or a fanatic on the question of civil rights—I say that the man who sat on that bench was unfit to sit as a member of the judiciary, and was a disgrace to American justice. When the prosecution requested a postponement of the trial, so that the priest, Father Morrisroe, who was severely wounded by buckshot in his side and back at the same time that Jonathan Daniels was mortally wounded, could have time to recover sufficiently and testify as an eyewitness to the incident, that judge refused the request. He stated that there already were eyewitnesses ready to testify, and forced the prosecution to trial.

The evidence was brought in—and I learned from a careful and apparently accurate account, which I shall later ask to have printed at the end of my remarks, from the National Observer, that it was a first cousin of the murderer who was brought in to testify—I do not recall whether his testimony included Father Morrisroe, that Jonathan Daniels was approaching the murderer, Coleman, with a knife in his hand.

I do not need to read the evidence. I do not need to have been in Alabama, or present at the trial. I do not need to have listened to the witnesses, to know that that was a deliberate lie, and that those were the words of a perjurer, because—and this is the reason that I am speaking today, and have dwelt at some length on my association with Jonathan Daniels—anyone who ever knew him would know that he was utterly incapable of carrying a deadly weapon, a gun or a knife, much less of threatening, approaching or attacking anybody with a weapon. From what I knew of Jonathan Daniels from my conversations with him—he was an emotional, idealistic, young man, and probably something of a pacifist—I know that the man who stood up in that Alabama court and swore before Almighty God that this boy made an attack on that older man, who incidentally was no redneck, but a special deputy, an officer of the law, and a regular employee of the highway department of the State of Alabama, was committing perjury.

Then there was some other rotten testimony. Witnesses testified, again in an attempt to justify and excuse this miscarriage of justice, that young Jonathan Daniels, just before he was shot, embraced and kissed a colored girl on the lips in front of a store, in a public place.

Mr. President, I knew Jonathan Daniels as a shy, sensitive, and retiring young man, a man of refinement, a perfect gentleman. I do not hesitate to say on the floor of the Senate today that he was utterly incapable of publicly kissing, caressing, and embracing any girl, black or white. It would be the last thing that he would do in a public place.

So I am completely convinced and sure that that, too, was prejudicial and perjured testimony designed to arouse the prejudice of the jury and to free and exonerate a coldblooded murderer.

I say frankly, Mr. President, the thing that grieves and, yes, enrages me today is not so much the murder of this young man—though that was bad enough, and should not have taken place anywhere in this land—and not so much the freeing of his murderer, shocking as it is, without any sentence whatsoever but complete exoneration. What infuriates me most is the rotten attacks, the slurs, the murk, the mud, the filth from the lips of lying witnesses against one of the cleanest, finest young men I have ever known.

Mr. President, I wish to say that I do not approve of Jonathan Daniels being in Lowndes County, Ala. I have had some bitter things to say about the man who murdered him, about the witnesses who perjured themselves, about the court, the so-called court of justice that abused its powers and its process. But I should be less than fair if I did not add that there are others who share a certain responsibility for the tragic death of this talented young man.

I do not know the attitude of the Episcopal Theological Seminary in Cambridge, Mass., or whether he was encouraged and incited to travel south on the crusade upon which he embarked. I do understand that he was excused from his classes there and allowed to take his examinations while he was in Alabama.

I know, Mr. President, that in many institutions of learning in this country, professors who are mature, middle-aged men of judgment, who stand in a certain sense in loco parentis in dealing with students, who, even though those students may be over 21 years of age, stand in a sense in the place of their parents, encourage and incite students in those institutions to go to the States in the South to demonstrate and to participate in demonstrations in the cause of civil rights and of the Negro.

Mr. President, since history began, young men and young women have had bright and shining ideals, and thank God it is so. They are emotional. They are rather easily incited to do things that appeal to them as fearless and heroic. Thinking on this point, I glanced into history for a moment and refreshed my memory about the famous Children's Crusade. I wish to read a paragraph taken from the Lincoln Library of Essential Information, a type of encyclopedia:

CHILDREN'S CRUSADE

This tragic incident of the period of the Crusades has been the theme of sober history and of legend. The facts are established that thousands of children and youths—their numbers being estimated at from 50,000 to 90,000—inspired apparently by the crusading spirit of the times, left their homes in the year 1212 and marched in many bands toward the Mediterranean ports of embarkation for the Holy Land. The leaders in France and Germany were two peasant boys. Some of the bands were accompanied by a few older persons, who in most cases appear to have preyed upon the children rather than to have protected them. The fate of the young crusaders is obscure. Some returned sadly to their homes, but many lost their lives. Some are said to have been lost at sea; others, sold into slavery to Mohammedans.

Mr. President, I think of that Children's Crusade whenever I think of Jonathan Daniels. Sharing in a lesser degree—and I say this, though I know I shall be criticized for saying it—but sharing in a lesser degree the responsibility for the tragic and untimely death of this young man are those who are older, and should therefore be wiser and more restrained, who insist on inciting young people to leave their homes, their schools, and their colleges, and expose themselves to the bitterness and strife which is taking place in various parts of the Nation.

I wish that Jonathan Daniels had not been there. Four times, in 1957, 1960, 1964, and 1965, Congress has moved and enacted strong laws to guarantee to every American his political rights, his safety, and even to some extent his social and economic privileges.

The President of the United States—our President—has made it plain and has again and again demonstrated that he has every intention of enforcing and is dedicated to the enforcement of those laws.

The Federal courts are vested with authority to act in the enforcement of rights. Federal marshals and other Federal officers who go into places where rights are being denied, or where violence is taking place, are protected—protected by Federal statute and by the system of Federal courts, and Federal punishments, and are not subject to the injustice nor bared to the kind of assault and death that faced 26-year-old Jonathan Daniels.

I happen to believe that we do not bring good by resorting to wrong methods. I happen to believe that we do not contribute to equal rights by indulging in violence, by the breaking of laws, or by demonstrations. But that all is beside the issue today, Mr. President.

Jonathan Daniels may have been emotional. He may have been fanatical, but he had a right to live. He had a right to live anywhere in this Nation, in any

State, in any county, in any town or city in this Union. If he broke the law, he should, and was, I understand, subjected to proper rebuke and punishment; but he had a right not to be murdered. Having been murdered, it is a tragedy because it leaves a blot upon the history of our times and the glory of our country.

I wonder what the next step will be? Jonathan Daniels' murderer cannot be again tried, I assume, even though the prosecution has indicated it might attempt to indict him for murder instead of manslaughter. Jonathan Daniels' murderer can be prosecuted for the almost fatal wounding of Father Morrisroe, the young Catholic priest who was associated with Jonathan Daniels and who represented the same kind of youthful and idealistic manhood.

But, I do know that not only did Jonathan Daniels have the right to live, and not to be brutally murdered, but I also know that he had a right not to have his memory blackened and besmirched by false testimony, perjured testimony, adduced in the trial.

Mr. President, my sympathy goes out to his mother. I think of his family with whom I have been associated ever since I can remember as a small boy. I think of his character. I think of him as I knew him in my own office here in the Capitol.

What I have said today has not been said in a spirit of vindictiveness or to attack the courts of the State of Alabama, only as they have justified that attack; but my words have been mostly directed to the defense of the memory of a talented and brilliant young man; namely, Jonathan Daniels.

Mr. President, I ask unanimous consent to have printed in the RECORD, an article published in the National Observer on Monday, October 4, 1965, entitled "How Scales of Justice Balance in Hayneville."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW SCALES OF JUSTICE BALANCE IN HAYNEVILLE—THE CHARGE, MANSLAUGHTER; THE VERDICT, NOT GUILTY

(By Tom Johnson)

HAYNEVILLE, ALA.—"This is one of the strangest cases I've ever seen," Defense Attorney Vaughan Hill Robison told the jury. "The facts are not in contradiction." And most were not.

Thomas L. Coleman, 55—the man who sat at a small table in the Lowndes County courtroom here last week and listened as his lawyer spoke—was on trial for first-degree manslaughter.

Nine weeks ago, Mr. Coleman stood in the door of a country store as four civil rights demonstrators—two white clergymen and two Negro girls—approached down a narrow paved road. There were words—these are in dispute. Mr. Coleman fired once and the Reverend Jonathan Daniels, 26, an Episcopal seminarian from Keene, N.H., was mortally wounded. Mr. Coleman fired again and the Reverend Richard Morrisroe, 26, a Chicago priest, spun to the ground with a buckshot charge in his right side.

Now Mr. Coleman was on trial, and as drama the trial and acquittal were almost anticlimactic. In a sense, the trial itself had been "tried"—and condemned—by the chief legal officer of Alabama, Attorney General Richmond M. Flowers.

A CRITIC OF GOVERNOR WALLACE

Mr. Flowers took over prosecution of the case after the Lowndes County grand jury indicted Mr. Coleman on charges of first-degree manslaughter instead of first-degree murder. Since he took office—the same day Gov. George C. Wallace was sworn in—Mr. Flowers has been a persistent critic of Governor Wallace. In taking over the prosecution, Mr. Flowers said he would press for a new indictment on charges of murder.

To the court, Mr. Flowers argued for a continuance, saying the State could not proceed without the testimony of Father Morrisroe, who lay in a Chicago hospital "barely able to speak." Circuit Judge T. Werth Thagard, who holds court in Lowndes County twice a year, noted there were other eyewitnesses, and dismissed the argument.

Mr. Flowers' assistant, Joe Breck Gantt, thundered other objections—that a lack of cooperation by State officials had made it difficult to prepare a case; that the investigation of the shooting by Col. Al Lingo, head of the State troopers, was "heavily slanted" against the prosecution; that there was evidence that the State's witnesses intended to commit perjury. Mr. Gantt also said that his and Mr. Flowers' lives had been threatened.

Defense Attorney Robison challenged Mr. Gantt to name the witnesses who intended to lie. Mr. Gantt was silent. With sarcasm, Mr. Robison said his own life had been threatened, and he questioned the honesty of Mr. Flowers in asking a continuance on such "frivolous grounds."

THE EMOTIONAL CLIMATE

The next morning Mr. Gantt again requested a postponement. It was denied. Mr. Gantt now argued that the emotional climate in Lowndes County was such that a fair trial was impossible. He said the people of the county were prejudiced against his employer, Mr. Flowers, who publicly rebuked the county grand jury when it returned the manslaughter indictment.

Judge Thagard directed the trial to proceed. Mr. Gantt refused.

"Are you willing to surrender the case to the circuit solicitor?" the judge asked Mr. Gantt.

"No, sir," Mr. Gantt replied.

"You are trifling with this court," said Judge Thagard.

Ordinarily, the case would have been prosecuted by Arthur Gamble, the circuit solicitor, a post analagous to that of district attorney. But Mr. Gamble had been relieved by Mr. Flowers. Judge Thagard asked Mr. Gamble to resume the prosecution and ordered the attorney general's office out of the case. Mr. Gantt slammed his records on a table and stalked out.

With Mr. Flowers out of the case, the trial proceeded before a jury of 12 white men. The American Civil Liberties Union (ACLU) also tried to stop the trial on grounds that Negroes, who outnumber whites 4 to 1 in the county, are systematically excluded from jury service. The ACLU was turned down by both Judge Thagard and Federal Judge Richard T. Rives.

There was really but one issue at the trial: Was the shooting self-defense?

It was quickly established that on August 20 a group of civil rights workers, who had been arrested the week before for picketing at Lowndesboro, were let out of jail in Hayneville. Mr. Daniels and Father Morrisroe were in the group.

NOT SEARCHED WHEN FREED

When put in jail, Sheriff's Deputy Joe Jackson testified, the demonstrators were searched and nothing found that could not be permitted in the cells. But they were not searched, he said, when they were freed.

"Was there anything unusual that made you notice Daniels when he was let out?" a defense lawyer asked Mr. Jackson.

"Yes, he ran over and kissed that nigger girl."

"On the cheek?"

"No, on the mouth."

Many of the freed demonstrators congregated on a corner a block from the jail and a few yards from a country store known as the Cash Store.

MORE USEFUL TO THE DEFENSE

Tom Coleman, a highway department engineer and sometime special sheriff's deputy, was at the courthouse. Another law officer, Harvey Lancaster, heard him say that Leon Crocker "was down at the store and he was going too."

Mr. Crocker, retired from the U.S. Department of Agriculture, was a witness for the prosecution, but he proved to be more valuable to the defense. He was at the Cash Store, he said, when Mr. Coleman came with a 12-gage shotgun. A few moments later, Mr. Daniels, Father Morrisroe, and the two Negro girls—Miss Ruby Sales and Miss Joyce Bailey—approached.

Mr. Crocker's story: Mr. Daniels walked to the door where Mr. Coleman was standing. Mr. Coleman told him: "The store is closed for business. You can't come in." Mr. Daniels asked: "Are you threatening me?" He took a step forward and Mr. Coleman fired. Father Morrisroe moved toward the door and there was another shot.

Questioned by defense attorneys, Mr. Crocker said Mr. Daniels had a knife in his hand when he approached Mr. Coleman. Father Morrisroe was also armed, he said, with what appeared to be a chrome-plated pistol. Did he see where the weapons fell? No. Did he see anyone remove them? No, Mr. Crocker said, but several Negroes bent over Mr. Daniels and Father Morrisroe and they could have removed them.

SHE DENIED THERE WERE WEAPONS

This was the first direct mention of weapons. Miss Bailey, the next State's witness, denied there were arms. She said that as Mr. Daniels approached the door, an unknown man called out: "The store is closed. Get out. I'll blow your G-damn head off." Then he fired.

She heard someone shout: "Run, you niggers."

"Did either of the two clergymen have a weapon?" Solicitor Gamble asked her.

"No, they didn't have anything," said Miss Bailey.

Defense Attorney Robison took over. "At the time you got out, you kissed Jonathan Daniels, didn't you?"

"No, I didn't."

"Did Jonathan Daniels have anything in his hand?"

"No, he did not."

"Did Morrisroe have anything?"

"No, he didn't."

MISS SALES' VERSION OF SHOOTING

The other witnesses merely reenforced the State's contention that there were no weapons. Miss Ruby, field secretary for the Student Nonviolent Coordinating Committee, was the trial's angriest witness. "I was still on the ground when Morrisroe was running and he," she said, staring directly at Mr. Coleman, "shot him in the back."

Three witnesses for the defense told the jury just as emphatically that they saw weapons. Joe Bell Coker, a first cousin of Mr. Coleman, said Mr. Daniels had a knife and Father Morrisroe a pistol. Edward Mims, a county employee, saw two Negroes lean over the two men and put something in their pockets. Bill Bevis, a young stockyards worker, said he saw the same; Mr. Bevis added that he went over to the dazed Father Morrisroe and the clergyman said to him: "Where's the gun?"

That was the case. Joe Phelps, one of the defense attorneys, pointed to the clerical

shirt worn by Mr. Daniels and told the jury: "Jonathan Daniels used this shirt to shield his sinister motives for being in Lowndes County. These were not men of God as we know them in Alabama or this community. Where can we draw the line? Where must we draw the line? We've got a right to protect ourselves."

If the jury believed there were weapons in the hands of Mr. Daniels and Father Morrisroe, or if it believed that Mr. Coleman thought they had weapons, the verdict was to be not guilty. Otherwise, the jury was to find Mr. Coleman guilty and fix his sentence at from 1 to 10 years. So Judge Thagard charged the jury.

The jury was out an hour and 30 minutes. It found Mr. Coleman not guilty.

In commenting on the outcome, Dr. Martin Luther King said the verdict made it obviously clear that Federal law against civil rights murder was needed. The ACLU asked U.S. Supreme Court Justice Hugo Black to suspend all court proceedings in Lowndes County. Of the verdict, U.S. Attorney General Nicholas Katzenbach said it's "the price you have to pay for the jury system."

Mr. COTTON. Mr. President, I thank the distinguished Senator from South Carolina [Mr. THURMOND] for yielding to me.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Illinois [Mr. DOUGLAS], with the understanding that I shall not lose my right to the floor, that his remarks will appear elsewhere in the RECORD, and that my resumption will not be considered a second speech by me upon this subject.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

The Chair recognizes the senior Senator from Illinois.

During the delivery of Mr. THURMOND'S speech,

Mr. DOUGLAS. Mr. President, I thank the able Senator from South Carolina [Mr. THURMOND] for his courtesy in yielding to me, and wish to express my appreciation for his generosity.

SECTION 14(b) SHOULD BE REPEALED, AS A MAJORITY OF THE HOUSE OF REPRESENTATIVES HAS VOTED AND AS A MAJORITY OF THE SENATE BELIEVES

Undoubtedly those in the galleries are wondering why the Senator from South Carolina and I should address the Senate when virtually no one is on the floor, and when apparently we shall have no direct influence upon the nonexistent audience of Senators not present.

I should like first to assure them, however, that virtually all Senators read the CONGRESSIONAL RECORD the following morning with close attention, and that therefore the arguments which are made on the floor, though frequently almost no one listens to them, do have an effect upon the final vote. We never know how great an effect our arguments will have, but we think they have some effect.

What is more important is that the CONGRESSIONAL RECORD is widely read and widely noticed all over the country. In addition to the reporters who sit in the seats of the Sanhedrin over the Presiding Officer and who report the activities on the floor, which are thus relayed in some measure to the public at home, a large number of columnists and editors also read the RECORD, so that statements made on the floor are sometimes relayed to the country by other persons. It is also true that, scattered all over the country, there are some additional 40,000 readers of the CONGRESSIONAL RECORD who are, in a sense, makers of public opinion. Local editors, lawyers, citizens interested in public affairs, members of chambers of commerce, members of labor unions, educators, clergymen, and the like, read the RECORD, and it helps to form their opinions and their influence.

Since our country is a democracy, changes in public opinion ultimately affect the legislation which we pass here. Public opinion moves in an imperceptible and gradual fashion, but it moves, and so the discussions on the floor have an ultimate effect, even if at the moment they may not seem to do so.

Finally, there is a duty which we owe to history. The historians of the future, in studying legislation, go back to the RECORD and to the committee hearings, and upon the testimony in the committees and the debates and the votes on the floor they base their own record. Thus, future generations have a more vivid appreciation of history and a more accurate appreciation of the motives which influence it than they would otherwise have.

Mr. PASTORE. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Illinois yield to the Senator from Rhode Island?

Mr. DOUGLAS. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I appreciate very much the explanation made by the Senator from Illinois. I believe it would be an excellent idea, not only for the people in the galleries at the present moment, but also for the country at large to understand what the background of this situation is. I would be grateful to the Senator, therefore, if he would kindly explain—so that it may also appear in the RECORD—the fact that the current debate is merely on the motion to take up House bill 77, which would repeal section 14(b) of the Taft-Hartley Act, and that this is the usual procedure adopted in the Senate by those who would prevent a vote on the bill itself. In all probability a majority of the Senate would vote to repeal section 14(b) of the Taft-Hartley Act, but dilatory tactics are being employed under the rules of the Senate to delay that vote.

A MAJORITY OF THE SENATE FAVORS REPEAL OF 14(b) BUT THE MINORITY IS ENGAGED IN PROLONGED DISCUSSION TO PREVENT A VOTE

Mr. DOUGLAS. I thank the Senator from Rhode Island. I do not wish to make an ex parte statement, but it is true that a majority of the Members of the Senate have openly declared themselves in favor of repeal of section 14(b). It is also true that some of the honest and convinced opponents of repeal feel that their best hope of defeating the measure is to prevent it from coming to a vote and that, therefore, they are taking advantage—as they have every legal right to do under the rules of the Senate—of delaying tactics, particularly at the end of this session, in order to prevent the vote from being taken.

They are trying to prolong matters on two separate and distinct questions or motions. The first is the motion to take up, or, more precisely, to take a bill from the calendar and proceed to the consideration of it. This motion, ordinarily, is granted by unanimous consent, given immediately upon the calling up of a measure by the majority leader; but, in this instance, debate is being indulged in merely on the motion to take up, so we have not yet passed the first hurdle.

The second question is on passage of the bill. Both questions are subject to separate filibusters and can be made to require separate cloture motions. So if, as, and when we pass the first hurdle, the discussion will be upon the bill itself.

Mr. President, I debated with myself for a day as to whether I should speak on this matter, since the issue before us is merely on the motion to take up. But I decided that it was important to dispel what I regard as some of the fog of misrepresentation and misunderstanding so that we might know precisely what the issue before us actually is.

Mr. President, in order to adumbrate some of my conclusions, I think that what we will see in the next few days will reenforce my long-held belief that we need to change rule XXII of Senate procedure. At present, it requires a two-thirds vote of Senators present and voting to limit debate to 1 hour thereafter per Senator. Many of us have felt for many, many years that this is an excessive requirement, and that after a long period of debate a majority of the members of the Senate should be able to limit debate thereafter to 1 hour per Senator. In other words, we believe that the majority should have the right to decide—because they are the representatives of the people—and not have their right to decide blocked by tactics intended to prevent a vote.

In the past, the so-called filibuster has been used primarily on civil rights questions, but it can be used by other minorities as well. Under the rules of the Senate, it is perfectly legal. I attach no blame to those who hold a different point of view and who are seeking to prevent a vote from occurring. But the history of the use of rule XXII indicates a weakness in the fundamental structure of the Senate. We should not forever delay acting upon the resolution which since March 9 has been the first listing on the Senate calendar and which, by the way, happens to bear my name as principal

sponsor—that is, order No. 69, Senate Resolution 8, a resolution to amend rule XXII of the standing rules of the Senate relative to cloture.

Mr. President, if we do not wish to endorse the power of the majority to bring a measure to a vote after full and adequate discussion and debate, we could accept the proposal of the Senator from New Mexico [Mr. ANDERSON], which appears second on the calendar, that at least 60 percent instead of the present 67 percent should be able to bring a measure to a vote.

I thank the Senator from Rhode Island for bringing up this point.

"RIGHT TO WORK" IS A FALSE PROPAGANDA LABEL

I should like now to proceed to a discussion of section 14(b) itself and the question of its repeal.

As we all know, the bill before us would repeal section 14(b) of the Taft-Hartley Act which permits States to pass laws outlawing the union shop and, in effect, contract out of the national labor policy on labor representation and collective bargaining. At one time, no less than 24 States, or nearly half the total, had passed laws making the union shop illegal. By a stroke of public relations cleverness—almost of genius—they attached one of the most inaccurate misnomers of which I know to these laws; namely, that they were "right-to-work" acts. This is a most false label, for these laws do not give anyone the right to a job or to productive work.

In today's world, people shun using direct and clear language to describe reality. No longer do people die, they "pass away." An undertaker is a "mortician." A real estate salesman is a "realtor." Depressed areas become "redevelopment areas." Slum clearance is now called "urban renewal." Only last week, a proposed controversial bridge over the Potomac was referred to as an "automobile carrying facility." And so an antiunion law is dubbed the "right to work."

In the face of this type of propaganda, unions have had to fight hard campaigns to prevent such laws from being passed in my own State of Illinois, and in such other States as Ohio and Oklahoma.

The last State I just mentioned is the one represented in part by the distinguished Presiding Officer, the Senator from Oklahoma [Mr. HARRIS], who now graces this Chamber.

Fortunately, the State of Indiana has recently repealed its antiunion shop law as have several others. So the number is now down to 19, consisting, first of all, of 10 of the 11 Southern States of the Old Confederacy, with the exception of Louisiana; then Iowa and 4 States of the high plains west of the Missouri River, Nebraska, Kansas, South Dakota, and North Dakota; and then 4 Western and Mountain States, Arizona, Utah, Wyoming, and Nevada. I believe it should be noted that many of the so-called right-to-work acts really are antiunion shop acts, and were basically passed because of malapportioned State legislatures. This is the basic political cause why a number of States have passed and retained other antiunion laws.

REPEAL OF 14(b) DOES NOT AUTHORIZE CLOSED SHOP

And now let us try to clear the air a little and see just what is involved. Some strong proponents of repeal may say it is not necessary to argue the case and will declare that it is enough that, "We know these laws are bad. We are against them and the best way to do it is to repeal 14(b) instead of moving against them State by State. Why argue any further, let us act."

I agree that we should act and that we should do so now. I also know that it is relatively futile to argue with the hard-boiled opponents of unionism who seek at every turn to weaken and discredit the institution of unionism. It is true that these groups represent the main driving force behind the original enactment and the retention of 14(b) and of the State antiunion shop laws. Happily, I believe the number of those who are opponents has been diminishing, that in time we will come to a general consensus on the worthwhileness of unionism.

But we should also always remember that it is not only necessary for those of us who support repeal to be convinced of the righteousness of our own cause but that it is also necessary for us to convert the great body of humane yet neutral opinion in this country. These good people, while giving general approval to unionism are not fully informed about the issues and may be swept off their feet by high-powered propaganda—well-financed propaganda—which is coming from antiunion sources. To these people who may hold the balance of political and legislative power, we should also appeal, and that is what I am trying to do.

First, let us remember that a union may not enter into a collective bargaining arrangement at all against the will of an employer unless it represents a majority of the employees. If there is any real question about such representation, this can be settled by a fair and secret ballot election which is open to all employees in the unit and which is conducted by the National Labor Relations Board. Under these conditions, if an election is thus won by a union, collective bargaining is approved of as a matter of national labor policy.

Under collective bargaining it is not necessary for the employer to agree to the proposals of the union. It is only necessary that he should sit down with representatives of the union and seek, in good faith, to reach an agreement. But he is not, of course, compelled to accept the proposals of the union.

The constitutionality of such a policy and procedure has been upheld time and time again by the U.S. Supreme Court, and it has been judged to be fully constitutional.

The national law then goes on to outlaw the closed shop—about which my good friend from South Carolina [Mr. THURMOND] was speaking before he was gracious enough to yield the floor to me—under which a worker would have to be a member of a union before he can get a job. Furthermore, no hiring preference can legally be given to union members.

In other words, employers and unions are prohibited by national law from entering into agreements providing for the closed shop even though the employers might care to do so. It so happens that for 15 years, prior to World War II, I was a national chairman for the newspaper industry and arbitrated in that field and in other industries as well. I handed down several scores of decisions. I can testify, therefore, that at that time many employers in the newspaper business believed in the closed shop because it gave them a better supply of skilled and trained workmen.

I believe the support of employers in the newspaper industry for the closed shop is somewhat less today than it was at that time, but at that time many were strongly for it.

But no matter. Even if they want it, they now cannot agree to it. Nor is any State allowed to override the national act and by State action to make the closed shop legal.

Now I personally do not object to this prohibition because, as a matter of general principle, I do not believe in the closed shop, save in exceptional circumstances. For, as the Senator from South Carolina was saying, by high initiation fees, by excessive apprenticeship requirements, and by undue favoritism to friends and relations, unions could close—and some have closed—their own memberships. If the closed union then negotiated a closed shop agreement, this would be highly monopolistic and would shut the gates of employment opportunity upon outsiders and deny to them the right to an equal chance at a job. So I want to make it clear, at the very outset of this debate, that I do not want to reverse this feature of our national labor policy or give to the States the right to override this national policy.

So much for the closed shop. It is not an issue in this debate or before the country, because it is already illegal.

THE ISSUE IS: "SHALL THERE BE A RIGHT TO DECIDE?"

But where does this lead us on the union shop? First, let us all be crystal clear on the fact that under the union shop a man does not have to be a member of a union to get a job.

I submit this is very different from the closed shop. The employer is free to hire anyone he wishes, except that under the civil rights and FEPC statutes he is not supposed to discriminate on the grounds of race and color. No labor monopoly can therefore be built up or maintained. The employer controls the hiring. The only provision is that, if the employer agrees to a union shop clause in the contract, and only if he does, then workers thus hired must join a union within a stated period of time which is almost universally 60 to 30 days. But further protection is thrown around them by the law which states that union initiation fees and dues must not be "excessive," as determined by the National Labor Relations Board. Nor can they be required as a condition of continued employment to take part in any way in union activities. Finally, of course, if a majority of the employees represented by the union do not want to continue to work under such a union security agreement, they can reject it at

any time in an election supervised by the NLRB. In other words, an agreement for the union shop is not perpetual; it can be revoked at any time if a majority of the workers become dissatisfied with it.

While section 8 of the Taft-Hartley Act prohibits, as a matter of national policy, a State from establishing a closed shop, section 14(b), like Pilate, washes its hands of any responsibility and permits a State to outlaw the union shop. It gives them, in effect, a hunting license to prohibit employers and employees from coming to a voluntary agreement to establish the union shop under free collective bargaining. The widest possible range of other topics can be agreed upon under such agreements without State interference, ranging from all the variety of fringe benefits, to the power of supervisors, to the amount of washroom time, coffee breaks, and even the spacing and duration of toilet time. But not union membership. If a State so decides, however malapportioned its legislature, that it wishes to take itself out of the stream of national labor policy on the union shop, it can do so. It is not too much to repeat once again that under 14(b) it is given a hunting license to weaken or break the unions if it is so decided.

Let me emphasize this point. The repeal of 14(b) would not require the establishment of compulsory unionism or a union shop by law. Let that be thoroughly understood. It would merely mean that, if a union representing a majority of the employees and an employer through a joint agreement should decide to institute a union shop, they would be allowed to do so. It would not mean that, if they do object to a union shop that they will be forced by law to establish one.

In fact, a large proportion of the existing collective bargaining agreements do not provide for the union shop.

Where the union shop is established, the minority may have to accept the judgment of the majority, fairly arrived at, but this is not a violation of the minority's civil rights. The minority will still be free to dissent and to organize opposition groups. If it can become a majority, it can then take itself out from the union shop proviso.

As Secretary Willard Wirtz, who is making an excellent record in the Department, has well stated:

> The issue underlying the question of whether 14(b) should be repealed is not, therefore, whether there is to be a right to work. It is rather whether there is to be a right to decide.

What section 8 and 14(b) do, in effect, when taken together, is to allow the antiunion forces to practice a "heads I win, tails you lose" game against labor. When unionism can be hurt by national law, section 8 does so by prohibiting the closed shop as a national policy. I repeat that I do not favor repeal of the prohibition of the closed shop. Recognizing that a national right-to-work act could not be passed even in 1947 at the time of Taft-Hartley and the postwar reaction, and that the union shop could not be prohibited as a matter of national policy, the framers of the Taft-Hartley Act proposed instead to chip away at this indirectly by giving the States free rein to outlaw them. This forced the friends of labor to fight on what were then 48, now 50, separate fronts and to do so before legislatures where the areas representing wage and salaried employees were, and, indeed, still are, grossly underrepresented.

If the closed shop is a matter for national policy, as I believe it is, so is the union shop. The Federal Government therefore should not waive jurisdiction and permit State legislatures to determine what should be national policy. I submit that this national policy should permit employers and employees to agree on a union shop, under the conditions I have outlined, if they so desire.

ANTIUNION LEGISLATION, SUCH AS PERMITTED BY 14(b), HURTS THE NATION

The first great advantage of the union shop is that it eliminates the so-called free rider; namely, the man who takes all the benefits the union can win for him in the form of wages, hours, fringe benefits, working conditions, job protection, and so forth, but who refuses to contribute to the support of the organization which does all this. Unfortunately, there are altogether too many who like to reap what they have not sown and to claim as a right what others have won for them without giving anything in return.

For let us clearly recognize that a union cannot confine the benefits it wins to its own members. The working conditions, wages and hours, which it helps establish, apply to all in the bargaining unit, nonmembers, as well as members.

Furthermore, the shop stewards must adjust grievances of the workmen, irrespective of whether those workmen are unionists or nonunionists.

So is it not only fair that all should pay for the expenses of collective bargaining from which all benefit? I believe the vast majority of Americans believe in this basic principle and that if the issue were fairly and fully presented to the people of the country, they would on this ground alone repeal the prohibitions imposed by 14(b). Of course, another vital point is the allied fact that hostile employers can use the absence of the union shop to undermine the unions and thus weaken and indeed ultimately eliminate collective bargaining. Controlling the hiring process as they do, they can concentrate on hiring workers known to be allergic to union membership and activities.

Here it should be remembered that there are frequent changes in the composition of even a constant level working force.

Some men die, others retire, still more leave and go elsewhere and new men will be continuously hired to replace those dying, retiring, and leaving the employ of the company for these reasons. The working force can then be increasingly infiltrated by antiunionists. These men will not join the union and the result, in a large percentage of cases, will be that the strength of the union will be steadily on the decrease while that of its opponents will be steadily rising.

When it comes time to renew the contract, the employer, if he is antiunion, will be in a much stronger position to break off relationships and run an antiunion shop without collective bargaining. Time, under an anti-union-shop law, will therefore not be neutral.

As a matter of fact time seldom is neutral. One of the great logical errors in the injunctive process is that it assumes time to be neutral, whereas time is on the side of the strongest battalions.

In this case it will tend to operate powerfully against the unions and the continuance of collective bargaining. Without wishing to impute bad motives to those who do not possess them, it can safely be suggested that this is the main reason why many antiunion employers and their supporters are strong advocates of State right-to-work laws and are fighting to head off the repeal of 14(b). The so-called right-to-work laws of the Southern States—and let us remember that 10 of the 11 States of the entire Confederacy have right-to-work laws—have certainly played a large part in making it extremely hard for labor to organize and bargain effectively there, and have therefore helped to keep wages and working conditions down in that area.

It is not an accident that in the 19 right-to-work States, only 13 percent of the nonagricultural workers were organized in the AFL–CIO unions in 1962 as compared with 28 percent in the other States and that the drop in membership between 1958 and 1962 was nearly twice as great in the right-to-work States as in the others. These laws are definitely an important part of the antiunion apparatus of these States and an important factor in preventing unions from gaining a strong foothold in the textile, furniture, lumbering, and chemical industries of the South while it has held back unionism in the States beyond the Mississippi and Missouri Rivers and in the Mountain States as well.

Of course, I am not maintaining that these right-to-work laws are the sole factors in holding back unionism in the South. The attitude of the local police, of the power structure of the communities and States, of the press, of the legal profession and, even of the churches has been an impeding factor to unionism in the South and to some degree, in the Mountain States as well.

But the right-to-work statutes are a part of the antiunion apparatus. They operate to hold back and help to prevent workers from joining unions of their own choice.

There have been interesting articles in the Washington Post in recent days about the struggle for unionism in the Stevens mills which I believe bear this out and deserve widespread attention.

As one who believes that unions have, on the whole, played and are playing a very constructive role, not only in labor-management relationships, but in the general life of our country, I believe that the State antiunion shop laws are bad public policy and, hence, that section 14(b) should be repealed and that such a repeal is a proper exercise of the provisions of the Federal Constitution.

Unions are not perfect institutions because they are composed of imperfect human beings, but on the whole they are useful and beneficial institutions, and I have been greatly pleased by the increasing tendency they have shown to defend the rights of all consumers and the general public, and not merely the interests of their members.

I think it is also obvious that the so-called right-to-work statutes also play a part in keeping wages lower than they would otherwise be. Testimony was introduced before the Senate Labor Committee and showed that hourly manufacturing wages in these States during the last 10 years have varied from 21 to 29 cents an hour below the national average, and that the five States with the lowest hourly earnings in the entire country are all right-to-work States; namely, North Carolina, South Carolina, Georgia, Mississippi, and Arkansas. I, of course, do not maintain that the right-to-work laws are the sole cause for these lower wages. I simply say they are contributing factors or contributing causes.

SENATE COMMITTEE BILL PROTECTS CONSCIENTIOUS OBJECTORS TO UNIONISM

There are two further objections which need to be considered. The first was very prominent at the time of House consideration of the original bill (H.R. 77); namely, the charge that it violated the moral rights of those who, on religious or ethical grounds, could not conscientiously be members of a union or contribute to its support. There are not many such genuine conscientious objectors, but there are some very sincere ones. These are notably members of religious sects, such as the Plymouth Brethren, Seventh-day Adventists, Mennonites, Amish, certain branches of the Brethren, and some other small sects. To meet the scruples of this group, language has now been inserted in the Senate version before us as follows:

(c) Section 8(a)(3) of such act is further amended by striking the semicolon at the end thereof and adding the following: ", or (C) if he has reasonable grounds for believing (i) that such employee has been issued a certificate by the National Labor Relations Board either that he is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, or that, even though he is not a member of such a religious sect or division thereof, he holds conscientious objections to membership in any labor organization based upon his religious training and beliefs in relation to a Supreme Being involving duties superior to those arising from any human relation, and (ii) either that such employee has timely paid, in lieu of periodic dues and initiation fees, sums equal to such dues and initiation fees to a nonreligious charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code, designated by the labor organization, or that the labor organization has failed upon request to designate such a fund or waives such payment, or (iii) that such employee has complied with alternative arrangements mutually agreed upon by such employee and such labor organization;".

This language was added so that they and others who hold such religious beliefs, even though not formally church members, are not to be compelled to join the union even if it were to win a union shop election in the manner I have indicated.

In order, however, to prevent religious grounds from being used merely to free the worker from financial payments, it is provided that in these cases the exempted worker shall have to pay the equivalent of the periodic dues and initiation fees either to a nonreligious charitable fund exempt from taxation which can either be designated by the union or jointly by the union and management or by his church, or the union can free the worker completely from payments. This seems a very happy solution, and I am very glad that it has been adjudged satisfactory by representatives of the churches involved. It should meet any legitimate criticism on this score.

I have interviewed a number of those good people, and they seem to be satisfied with this provision. It should meet any legitimate criticism on this score.

Mr. HART. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield to my good friend from Michigan.

Mr. HART. It is extremely helpful at this early stage in the debate that the able Senator from Illinois has discussed at some length this particular amendment. Many of us, long years ago, had made the determination that section 14(b) was an undesirable aspect of our law, and we had intended to support fully the effort to remove it. However, as the Senator from Illinois says, we were approached by not very many persons, but persons who voiced a concern which struck a highly responsive chord, I know, in the heart of the Senator from Illinois, and of the junior Senator from Michigan.

Mr. DOUGLAS. As a member of a small religious group which, while it does not oppose union membership, has sometimes had members who have been in dissent, let me say that this has been very close to my heart, too.

Mr. HART. This I know. I think it especially salutary that this discussion is now in the hands of the Senator from Illinois, who perhaps more than any of us can sense the concern which gave rise to visits to many of us by delegations from small groups of completely sincere Americans.

I, for one, was deeply troubled. I had made a solid commitment to support the repeal of section 14(b). I did it in the deep conviction that labor-management relations across the country would be advantaged by it, and the strength of the economy increased.

For a few days, I had reached the rather tentative conclusion that unless we could respond to the small, relatively weak persons whose moral convictions would make abhorrent the direct contributions to union dues, I might well have to back off from what I felt was a commitment of many years standing. Many of us who shared this concern owe a deep debt of gratitude to the committee for having developed the approach which the Senator from Illinois has so eloquently described. I know that he contributed materially to the development of that thought. He has been for it, and I believe the committee has, as well.

Mr. DOUGLAS. I deeply appreciate what the fine Senator from Michigan has said. I, too, believe that the committee did extremely well in adopting this provision.

It should also be recorded that in the negotiations leading to the inclusion of this clause, when we raised the matter with representatives of organized labor, I found no opposition. They were quick to recognize the importance of the point and were very willing to work out cooperative relationships.

One of the big problems in modern life is to reconcile the needs of the community for unified action and the desire to provide as much scope for individual conscience as is possible. Democratic institutions do this in the political process. It is not always possible to do it fully in military matters. But we should try to do so wherever it can be done. I am happy that this relationship has been worked out in this instance.

For the purpose of the RECORD, I should add that in certain industries which now provide for the union shop, unions and management have worked out a similar arrangement. This was true in Indiana prior to the repeal of the Indiana right-to-work statute. Perhaps that action may have furnished us with the textual model for this clause.

I thank the Senator from Michigan.

PROTECTIONS ARE RETAINED AGAINST FORCED POLITICAL CONTRIBUTIONS

A second technical objection to the union shop is the charge that some men do not want to have the dues they pay into a union used for political purposes. But this ignores the prohibitions and limitations which are already imposed by law governing such expenditures. By both the Taft-Hartley Act and the Labor-Management Relations Act of 1959, unions are prohibited from contributing to political parties or candidates for election purposes. Such money as is used for these purposes is raised instead by voluntary contributions through the Committee on Political Education—otherwise known as COPE and similar groups. If a union member does not want to give for such causes, all he needs to do is to refrain. No such contribution is compulsory and, as a matter of fact, a large majority of the members of the AFL–CIO do not contribute to COPE or to any similar group.

Unions and employers alike can spend money to register voters and to advocate or oppose specific pieces of legislation. I think it is only fair and proper that they both can do this, but I wish to stress that this right should be mutual. If it is an admitted right of employers and corporations, it should also be the right of labor and of unions. If denied to labor, it should be denied to capital.

THE INCONSISTENCIES CREATED BY THE INTEGRATED BAR LAWS

I have been somewhat amused by letters which I have received from many lawyers bitterly opposing the union ship, defending the existing section 14(b) and

opposing its repeal. These men are generally—although probably not universally—in the same breath, advocates of the so-called acts to establish an "integrated bar."

What is an integrated bar? I suggest that people can get a good description of an integrated bar in a book recently published entitled "The Integrated Bar," written by David D. McKean, and published by Houghton-Mifflin.

I have been collecting information upon the integrated bar from the American Bar Association and from the Library of Congress.

State integrated-bar laws require membership in the bar association as a prerequisite to practicing before the courts of the State. The various bar associations are private institutions making their own rules and procedures. In the States which have an integrated bar, no matter how able and learned or virtuous a man may be, he cannot practice before the courts of the State unless he is a member of this private organization or guild. If expelled from the bar association, he loses his right to practice and is shut off from earning a living by the actions of a private body.

I have never heard a lawyer protest recently against these integrated bar statutes. On the contrary, it has been legal pressure which got these laws enacted in the first place and which furnishes the driving force to extend them.

Now let us call the roll of these integrated-bar States. The Library of Congress has furnished me with such a list. They are Alabama, Alaska, Arizona, Arkansas, California, Florida, Georgia, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. So counting Arkansas, which has a statewide disciplinary organization of which practicing attorneys must be contributing members—an integrated bar in effect—28 States have integrated bars—over half the States of the Nation.

(At this point, Mr. RUSSELL of South Carolina assumed the chair.)

Mr. DOUGLAS. I notice that South Carolina is well and ably represented in the Chamber at this time. The distinguished senior Senator from South Carolina yielded the floor to me so that I might make my speech. I now see in the chair the very able junior Senator, former Governor of that State, and former Assistant Secretary of State under James F. Byrnes.

I congratulate the Senators from that State, when I say that South Carolina apparently does not have an integrated bar. I therefore exempt South Carolina from my list. However, 28 States do have an integrated bar.

It is interesting that 15 of these States, namely, Alabama, Arizona, Arkansas, Florida, Georgia, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, South Dakota, Texas, Utah, Virginia, and Wyoming have integrated bars and also have so-called right-to-work statutes which prohibit unions and employers from agreeing that workers should join the recognized unions after they have been hired. Here we have the State using its powers to compel lawyers to join their professional association and, at the same time, prohibiting employers and employees from agreeing upon a similar procedure for workmen. The lawyers apparently take the position, "It's all right for me, but absolutely wrong for you."

The law is supposed to be a profession which requires logic in a high degree. But the logical and ethical inconsistencies in these situations pass human understanding.

I have heard lawyers attempt to defend these contradictions on the ground that the bar associations are alleged to be Simon pure professional bodies while unions are purely economic organizations. But this attempted definition misses the mark by a very wide margin. By its large degree of control over entrance and expulsion, the bar can largely control the number of practitioners and, hence, indirectly their incomes and their behavior. In their conversations with each other, it is possible for them to work out common policies on fees and their attitudes toward gratuitous legal services to the poor, such as we are now experiencing in the District of Columbia. We may well remember the remark of Adam Smith when he said that "gentlemen of the same trade meet together either for merriment or diversion but that the meeting results in some conspiracy to raise prices." Is human nature much different from what it was two centuries ago?

Are lawyers exempt from this? I do not believe that any fair-minded lawyer, if put on the stand under oath, and compelled to answer, could deny that these and other matters of an economic nature, are considered and formally or informally acted upon by members. The codes of conduct are moreover often of an economic as well as of an ethical character.

Unions, on the other hand, perform some of the functions of the old guilds and of the modern professional organizations. They set standards of competency and help enforce them. They often contribute money individually and organizationally for charitable purposes.

Notice, moreover, that the "integrated bar" statutes are compulsory membership laws imposed throughout a jurisdiction by the coercive powers of the State. The union shop agreements, on the other hand, are not imposed by the State upon industry but are voluntary agreements entered into by labor and management. Moreover, the integrated bar provides not only for a union shop but also, in effect, for a closed shop.

The repeal of 14(b) would therefore give only permissive power to the interested parties to agree on such an arrangement whereas the much touted proposals for an integrated bar, dear to the hearts of so many lawyers, are both mandatory and statewide in character.

THERE SHOULD BE A NATIONAL POLICY PERMITTING EMPLOYERS AND EMPLOYEES TO AGREE ON A UNION SHOP

Hitherto I have been arguing on the basis of principle as to why we should repeal 14(b). And this should be the primary consideration. But we also need to consider the effects of the so-called right-to-work laws upon wages and employment in the 31 States which do not have such laws—of which my State of Illinois is one—and in which the union shop is not illegal.

Frequently I have heard of plants in Illinois which have picked up and moved to some southern right-to-work State because wages are lower there than they are with us. The employer also feels protected against the unionization of his employees not only because of the opposition to unionism on the part of the police, the chambers of commerce, and the local power structures, but also because of the right-to-work laws. This factor also helps to swing new plants in certain industries away from the non-right-to-work States to those which have such laws.

Without wishing to make the South a whipping boy in any respect, this is particularly the case in the 10 Southern States, but I believe it is also one factor, for example, in the movement of meat packing west of the Mississippi and into the high plains.

Moreover, the products of the right to work States with their generally lower scales and less liberal social legislation—and this was fully documented in the Senate hearings—inevitably enter into competition with those from the other States and depress wages and working conditions there. The truth is that, in a national market, where products produced in a given place are sold over the country as a whole, and enter into competition with products from other States, a State cannot live by itself. If it permits and encourages antiunionism, the evil results are not confined within its borders but are spread elsewhere. Modern communications, the steamboat, the railroad, the airplane, the tractor-trailer and superhighways have largely eliminated State boundaries as economic factors. We have a national economic market, and we cannot adequately set minimum standards for that national market State by State, because in so doing, we will always put the advanced States at a competitive disadvantage compared with those States which have lower standards.

That is why we need a national labor policy, and not one which grants to a few States the power to pull down conditions elsewhere. That is why the Wagner Act was passed in 1935. That is why the Social Security Act was passed in that same year. That is why, in 1939, we abolished child labor and established the basic 40-hour week, and why we provided for a national minimum wage. Those facts were fully realized in the thirties, the men who then sat in our seats by overwhelming majorities approved them, and the country, under the stress of a great depression, understood what was involved and acted.

Thirty years have now passed. People give general support to the institution of unionism, but a large body of opinion would at the same time give to the States "hunting licenses" to make unionization difficult if not impossible, and by

so doing, to create pockets of low wages and long hours which undermine labor standards for the whole of the Nation.

Therefore, Mr. President, I believe that we should not make an exception in the case of the union shop, and that we should repeal 14(b).

Mr. President, that concludes my formal speech. I leave the issue to my colleagues and to the country; and now I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, if it is within the allowable procedure at this time, could I have 1 minute to comment?

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senator from Illinois be permitted to yield to the Senator from West Virginia for a question, if that is his purpose.

Mr. RANDOLPH. I thank the Senator.

Mr. THURMOND. Without losing my right to the floor, and with the understanding that when I resume, it will not be considered a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. I thank both the Senator from South Carolina and the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am most interested in the pertinent comment of the Senator from Illinois. I refer to his discussion of the earlier acts which came in the thirties, which have meant much, not only to labor, but to business as well. This is true because there has come about a partnership between management and labor through acts like the fair labor standards legislation.

I remember very vell when the opponents of the Fair Labor Standards Act came before the Labor Committee of the House of Representatives, of which I was then a member. Those persons maintained, in effect, that if such legislation became law, it would ruin the business structure of America.

History shows that those fears have not been realized. Unfortunately, the same type of opposition confronted other measures which were enacted into law during the administration of Franklin D. Roosevelt. I compliment the senior Senator from Illinois not only for pointing out the basic issue with which we are now faced, but for his very proper references to the pioneering which has given to America a basis, not for misunderstanding, but for understanding. Business and industry, I repeat, profited by the enactment of the legislation which some segments of business and industry opposed in the thirties.

Mr. DOUGLAS. I thank the Senator from West Virginia very much, and I again express my appreciation to the Senator from South Carolina for yielding the floor. I hope I have given him a little rest, so that he may pursue his arguments with even greater strength than otherwise. I understand that my remarks will be printed before or at the conclusion of his.

Mr. THURMOND. Mr. President, I need no rest. I was happy to accommodate the senior Senator from Illinois, however. I am always glad to accommodate him, even though I frequently disagree with him.

Mr. DOUGLAS. Had the Senator needed the rest, I would gladly have given it to him. I deeply appreciate his kindness to me.

During the delivery of Mr. THURMOND's speech,

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the Senator from Michigan [Mr. HART] without losing my right to the floor, that his remarks will appear elsewhere in the RECORD, and that upon my resumption it will not be considered a second speech by me on the same legislative day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT OF SECURITIES ACT OF 1933

Mr. HART. Mr. President, I ask that the Chair lay before the Senate a bill coming over from the House, H.R. 7169.

The PRESIDING OFFICER laid before the Senate H.R. 7169, an act to amend the Securities Act of 1933 with respect to certain registration fees, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HART. Mr. President, H.R. 7169 is identical with S. 1707, a bill to amend 6(b) of the Securities Act of 1933, which passed the Senate yesterday.

I move the adoption of H.R. 7169.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to; and the bill (H.R. 7169) was ordered to a third reading, read the third time, and passed.

Mr. HART. Mr. President, I ask unanimous consent that the action of the Senate yesterday in passing S. 1707 be reconsidered and that S. 1707 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the vote by which the bill (S. 1707) passed will be reconsidered and S. 1707 will be indefinitely postponed.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

During the delivery of Mr. THURMOND's speech,

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield to me without losing any of his rights, with the understanding that on his resumption, his speech not be counted as a second speech, and without his rights being in any way considered abridged?

Mr. THURMOND. I yield to the majority leader with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the prayer and the disposition of the Journal on Friday, the time thereafter be equally divided between the minority and majority leaders prior to a vote at 1 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL of Georgia. Mr. President, I did not understand the unanimous-consent request. Is the Senator still proposing to vote by 1 o'clock on Friday?

Mr. MANSFIELD. Yes; and, furthermore, that the time consumed in that period is not to be considered as a second speech on the pending business, whatever the pending business really is.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the Senate proceed to vote on the motion to lay on the table (to be made by the Senator from Montana [Mr. MANSFIELD]), the motion to proceed to the consideration of H.R. 77, an act to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended, at 1 o'clock p.m. on Friday, October 8, and that the time for debate on the motion following the prayer and approval of the Journal be equally divided and controlled respectively by the majority and minority leaders.

Ordered further, That speeches made before 1 o'clock p.m. on that day not be counted as a speech on the pending question.

During the delivery of Mr. THURMOND's speech,

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able, distinguished, and pretty Senator from Maine [Mrs. SMITH] without losing my right to the floor, with the understanding that her remarks will appear elsewhere in the RECORD; and that upon my resumption it will not be considered a second speech on this subject on the same legislative day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE DOMINICAN REPUBLIC CRISIS—RIGHT OF SENATORS TO EXPRESS THEIR OPINIONS

Mrs. SMITH. Mr. President, I want to thank the distinguished Senator, my good friend from South Carolina, for his eloquent words.

Mr. President, recently the distinguished chairman of the Committee on Foreign Relations, the able junior Senator from Arkansas, made some observations in this Chamber critical of the intervention of the United States in the Dominican Republic crisis. For making

this criticism, he was, in turn, severely criticized by many others. That criticism was not limited to disagreement with him on the views he expressed. Instead it criticized him for even expressing his dissent.

I very decidedly disagree with his criticism of the action of President Johnson on the Dominican Republic crisis. I think the President acted courageously, wisely—and prudently. I think that for his action, we can thank Lyndon Johnson that there is not a second Castro in the Western Hemisphere and that the Dominican Republic is not today a sister Communist nation to Communist Cuba. I believe that Americans overwhelmingly feel this way and disagree with the junior Senator from Arkansas.

But I not only defend the right of the junior Senator from Arkansas to express his deeply felt views and his sharp dissent. I admire him for speaking his mind and his conscience. I admire him for the courage to run counter to conformity and the overwhelming majority. God forbid that the U.S. Senate ever become so shackled by conformity or so dominated by a tyranny of the majority that any Senator has to become a mental mute with his voice silenced for fear of being castigated for expressing convictions that do not conform with the overwhelming majority.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished senior Senator from Mississippi [Mr. EASTLAND], with the understanding that I shall not lose my right to the floor, that his remarks will appear elsewhere in the RECORD, and upon my resumption, it will not be considered a second speech by me on this subject.

Mr. LONG of Louisiana. Mr. President, reserving the right to object, for how long a period of time does the Senator from Mississippi wish to speak?

Mr. EASTLAND. A few minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

During the delivery of Mr. THURMOND'S speech,

Mr. EASTLAND. Mr. President, I am opposed to the repeal of section 14(b) of the National Labor Relations Act, as amended. Since 1947 this provision that was adopted in the Taft-Hartley Act has been a Magna Carta of freedom of choice on the part of the States and individuals in regard to union activities. It expresses a constitutional principle of rights that are reserved to the States and to the individual citizens. Even though only 19 States have now enacted right-to-work statutes or provisions in State constitutions, the repeal of section 14(b) would involve rights that are now inherent in all 50 States of the Union.

Compulsory unionism is wrong, not only from a moral standpoint, but also from a constitutional and legal standpoint. I believe the figures are correct that of some 70 million workers in the United States, only 17 or 18 million actually belong to labor unions. The 17 or 18 million who belong to the unions, for the most part, are compelled against their will to follow the direction and dictates of a handful of labor leaders, who are fast becoming potent and powerful political bosses, due to the fact that they hold the balance of economic life and death over the members of the union; and if the Federal Government makes it possible to compel every individual working for an employer that is unionized to join that union, this power over employment and the economic life of the individual workingman will become absolute.

What was said in the conference report adopting section 14(b) is just as true today as it was the day it was written. The report says:

> Under the House bill there was included a new section 13 of the National Labor Relations Act, to assure that nothing in the act was to be construed as authorizing any closed shop, union shop, maintenance of membership, or other form of compulsory unionism agreement in any State where the execution of such agreement would be contrary to State law. Many States have enacted laws or adopted constitutional provisions to make all forms of compulsory unionism in those States illegal. It was never the intention of the National Labor Relations Act, as is disclosed by the legislative history of that act, to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. Neither the so-called closed shop proviso in section 8(3) of the existing act nor the union shop and maintenance of membership proviso in section 8(a)(3) of the conference agreement could be said to authorize arrangements of this sort in States where such arrangements were contrary to the State policy. To make certain that there should be no question about this, section 13 was included in the House bill. The conference agreement, in section 14(b), contains a provision having the same effect.

Mr. President, if the present Congress takes positive action by repeal of section 14(b), it will be a premeditated and deliberate attempt to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. If this demand of union labor leaders is met, it will constitute a new variety of "yellow dog" contract, and the full circle will have been encompassed. From an original situation whereby an employer prohibited any member of a union from working in his business, now the employer is prohibited, in turn, from hiring any individual to work for him who does not belong to a union. From the standpoint of the individual, compulsory unionism is not more nor no less than another form of slavery—economic slavery of the worst kind, and one that has a profound effect not only upon the individual himself, but upon the welfare of his wife and family and those that are dependent upon him.

In considering legislation such as this which is now proposed, it is almost impossible to get an expression of opinion from those who are most closely involved in the issue. Who speaks for the 53-odd million workers in America who are not organized into and do not belong to unions? Who speaks for those in unions who believe in unions but are not satisfied with the manner in which their own union is operated, but who are helpless to raise their voices or to take action, due to the plenary power of the union leaders in punishing those who step out of line? Who speaks for those who are now in the unions and do not believe in unions, but cannot express themselves? If the united action of all the powers in organized labor have been able to achieve a membership of 17 or 18 million out of a total labor force of 70 million workers, it is obvious on its face that there are many in the working force who, for reasons of their own, do not care to belong to unions, and yet we all agree that voluntary union for the purpose of collective bargaining is an agency of good for both the workingman and the employer. The sound economic welfare of this country requires that the Federal Government keep it this way and leave it to the individual States to decide for themselves whether or not they desire to establish a union shop or closed shop within a given space.

Mr. President, the specious argument is made that requiring a worker to contribute dues and assessments to a union is not tantamount to requiring him to join the union itself. Literally millions of union members do nothing insofar as the union is concerned but pay the dues that are checked off. It is the money that makes the union powerful, and it is the money that is sought to be exacted by the union leaders through the abolition of right-to-work laws; and regardless of the decision in the Street case, until many more court decisions of a clarifying and complementary nature are rendered, the money is going to be used for political purposes and a wide variety of other purposes that could be inimical to the desires, wishes, principles, and beliefs of the individual who is forced to contribute this money to the union against his will. Compulsory collection of dues and assessments is absolutely equal to compulsory membership in a union, and whether he likes it or not, the person who contributes this money would be a fool not to exercise whatever prerogatives he might get in return for the money.

It was former Supreme Court Justice Cardozo who said:

> There is no freedom without choice. The mind is in chains when it is without the opportunity of choice.

In the origin and development of the labor movement itself, both Mr. Gompers and other labor leaders recognized that voluntarism was the glory of the union movement. Compulsory un-

ionism as proposed by the repeal of section 14(b) is a form of class legislation of the grossest kind. It confers special privileges on the bosses of labor over the working man himself. Gompers' actual words in regard to compulsory unionism—and he was a great man and a great patriot—were:

No lasting gain can come from compulsion. If we seek to force, we but tear apart that which united is invincible. * * * I want to say to you, men and women of the American labor movement, do not reject the cornerstone upon which labor structure has been built, but base your all upon voluntary principles.

George Harrison, president of the Railway Clerks and a chief spokesman for the railway unions, when they asked for repeal of the Railway Labor Act right-to-work provision, made clear in testimony he gave before a committee in the 81st Congress as to exactly how union leaders intended to use the power given to them by compulsory unionism:

Many times you are forced to handle insignificant violations of your contract because a bunch of your members tell you they are going to quit paying dues if you do not.

* * * * *

Senator DONNELL. The union shop is one of the ultimate purposes of this bill, S. 3295. That is correct; is it not?

Mr. HARRISON. Yes.

Senator DONNELL. And in the absence of that—that is, in the absence of the disciplinary power which the union shop would give—you say the union is handicapped?

Mr. HARRISON. Yes.

Senator DONNELL. So, you want to have disciplinary power over these, at least 280,000 or 350,000 people, whatever that figure may be, who are not now members of the union. That is correct; is it not?

Mr. HARRISON. Not only over those people, but over all of our members.

Senator DONNELL. In other words, you want to have disciplinary power over your present membership which you already have?

Mr. HARRISON. But not able to exercise because of the voluntary character of the membership.

Senator DONNELL. You feel you should have disciplinary power over all of them?

Mr. HARRISON. Yes.

Senator DONNELL. Let me ask you this: Disciplinary power means the power to discipline, does it not?

Mr. HARRISON. Yes.

Senator DONNELL. You want it to be applicable not only to the present members but you want it applicable to that number that we will say roughly is 300,000 persons, in addition to the disciplinary power that you have now.

Mr. HARRISON. That is right, but we want it over every person subject to the contract.

Congress did pass the repeal of the right-to-work provision in the Railway Labor Act, and it is interesting to note that after this repeal dues were increased, service to members fell off, and the wishes of the rank-and-file workers were ignored to a greater and greater degree.

The late U.S. Supreme Court Justice Louis D. Brandeis, who was as good a friend as unions and the laboring man ever had, on the question of voluntarism, had this to say:

The union attains success when it reaches the ideal condition, and the ideal condition for a union is to be strong and stable and yet to have in the trade outside its own ranks an appreciable number of men who are nonunionist. Such a nucleus of unorganized labor will check oppression by the union as the union checks oppression by the employer.

And in 1962, our present Ambassador to the United Nations, former Supreme Court Justice, and most eminent labor lawyer, said this:

In your own organization you have to win acceptance not by an automatic device which brings a new employee into your organization, but you have to win acceptance by your own conduct, your own action, your own wisdom, your own responsibility, and your own achievements. * * * from my experience representing the trade union movement this is not a handicap. * * * This is a great advantage * * * you have an opportunity to bring into your organization people who come in because they want to come.

Justice Black said, in an opinion rendered in 1961:

There can be no doubt that the federally sanctioned union shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political, economic, and ideological hopes of those whose money has been forced from them under authority of law.

Justice Douglas said:

If the dues are used, or assessments are made, to promote or oppose birth control, to repeal or increase the taxes on cosmetics, to promote or oppose the admission of Red China into the United Nations, and the like, then the group compels an individual to support with his money causes beyond what gave rise to the need for group action.

I think the same must be said when union dues or assessments used to elect a Governor, a Congressman, a Senator, or a President. It may be said that the election of a Franklin D. Roosevelt rather than a Calvin Coolidge might be the best possible way to serve the cause of collective bargaining. But even such a selective use of union funds for political purposes subordinates the individual's first amendment rights to the views of the majority.

I do not see how that can be done even though the objector regains his rights to campaign, to speak, to vote as he chooses. For when union funds are used for that purpose, the individual is required to finance political projects against which he may be in rebellion.

At a later point I am going to have much more to say about this matter of union dues being used for political purposes, but here a much wider area is being covered by these two justices in their discussion of the matter than in the narrow area of political contributions alone.

Expressions of the Nation's press are more or less uniform as being opposed to the repeal of section 14(b). Here are a few samples:

The New York Times, May 26, 1965:

It is strange to find Mr. Wirtz treating this as a matter indistinguishable in essence from wages, hours, plant safety, or other staples of collective bargaining. * * *

But it is a callous oversimplification to suggest that no element of individual liberty is at stake and that the paramount right in the equation is that of management and labor to make whatever disposition of the workers they "deem mutually satisfactory."

New York Herald Tribune, May 19, 1965:

The chief losers if 14(b) is repealed are relatively few in number, and have little political muscle; they're the workers who want the right, if they don't like a particular union, or its leaders, or its policies, or if they simply cherish their independence, not to join. It's extraordinary that a nation so dedicated to liberty should want to take away that right; and that compulsory unionism should become a rallying cry of people calling themselves liberals.

Annapolis, Md., Capital, April 9, 1965:

Compulsory unionism would be a paralyzing blow against the liberties we all hold so necessary to keep America strong.

Pontiac, Mich., Press, March 31, 1965:

To make 14(b) seem, in any way, an anti-labor measure requires some massive twisting of plain language. It simply says that each worker * * * will have the right to join or not to join a union as he chooses, and in either case he can keep his job * * * If that is not basic freedom, what is?

Detroit Free Press, January 23, 1965:

Where the right-to-work law does not exist, there isn't even maintenance of the separate but equal fiction. Its absence is nothing more than legislative acquiescence to racial discrimination in union charters—for all that legislators may have to say about their hearts going out to the Negro and their desire to make him in every way a first-class citizen.

Trenton, N.J., Trentonian, May 25, 1965:

Freedom of belief * * * is what the fight over 14(b) is all about. One simple, basic right that belongs to all Americans. And that's why be believe—with due apologies to Congressman THOMPSON, who violently disagrees with us—that 14(b) should not be repealed. * * *

The basic issue that revolves around 14(b) is one of human rights. That's what makes it so surprising that dedicated liberals such as our own FRANK THOMPSON, who have fought so long and so valiantly for the rights of all people, should now be eager to junk one particular right.

Akron, Ohio, Beacon Journal, February 21, 1965:

Union leaders have long assailed Taft-Hartley as a slave labor law. * * * actually, there is no experience which supports the slave labor claim, as anyone can determine by reading the strike news. The case against 14(b) is similarly exaggerated.

I have a more recent editorial from the Akron Beacon Journal from which I should like to quote. On May 19, the Akron Beacon Journal editorialized and concluded with this statement:

We believe that States which see fit to enact such laws should have the privilege of doing so without being overruled by the Federal Government.

Port Huron, Mich., Times Herald, February 10, 1965:

Why should the Federal Government tell any State whether it should or should not require workers to be members of unions?

Hagerstown, Md., Herald, January 27, 1965:

Fourteen (b) injures no one. Its repeal would benefit only labor union officials. It is the only guarantee against captive union membership. It had best be kept.

Columbus, Ohio, Dispatch, January 10, 1965:

In the balance hangs the workers' own survival and that of their own families. Human bondage has no place in the United States.

San Francisco Examiner, May 20, 1965:

We have found ourselves in agreement with most things L.B.J. has done. We feel that in most matters we think as the President does. Our thinking usually being alike, we have often concurred with his views * * *.

But we think he is wrong in urging abolition of laws which give a worker the right to belong or not to belong to a union, and urge him to reconsider his request to Congress.

This might be an appropriate point, Mr. President, to read into the RECORD a statement by our present President, made as late as 1960 when he was seeking reelection to the Senate, in support of the Texas right-to-work law. He said:

We restate our belief in the free enterprise system which holds the true key to growth and prosperity, and support adequate financing of the Texas Industrial Commission and the tourist program of the State highway department. Necessary to this development are the preservation of good labor relations, the right-to-work law, improvements in industrial and occupational safety, and strict enforcement of our antitrust laws.

If it was good for Texas in 1960, why should it not be good for Texas and the other 49 States to have this freedom to choose or not to choose right-to-work laws in 1965?

The President also said, in his message to Congress on May 18, 1965:

The last 30 years have been unprecedented economic development in this country and unparalleled improvement in the general standard of living of the workingmen and women of America.

Most of this has been accomplished privately. These are the fruits of free enterprise.

This process of economic and human growth has been helped by wise legislative enactment, much of it beginning in the decade of the 1930's.

It is difficult to justify that language with his recommendation to repeal section 14(b) of the Taft-Hartley Act, because the unparalleled and unprecedented economic development about which he spoke was, by and large, achieved in an atmosphere where there was freedom of choice on the part of the States to have or not to have a policy in regard to right-to-work laws; and when we stifle the freedom of choice, we stifle the potential for economic development. As one witness cogently put it:

The fundamental question is whether the Federal Government is going to allow the States to protect individual freedom of choice in the labor field or not. Shall a State be permitted to say to its citizens "you cannot be forced to pay tribute to any private organization in order to hold a job"?

It is unthinkable that under our Bill of Rights the courts of this country would ever require, from a Federal standpoint, that this issue be resolved in favor of compelling an individual to pay tribute against his will and become a member of a private organization he does not choose to join in order to earn a living.

Only last year the Opinion Research Corp., of Princeton, N.J., conducted a poll in which 67 percent of those polled replied that they felt a man should be able to hold a job without regard to whether he does or does not belong to a union.

It is interesting to note that almost every nation in the free world proscribes compulsory unionism. In Europe those nations which do not permit compulsory unionism are Belgium, Denmark, France, Holland, Norway, Sweden, Switzerland, Austria, and Western Germany. These are the countries that are today the most highly industrialized of all in Europe and the ones which are annually increasing their gross national production to a point almost equal to or greater than that of the United States.

As a matter of conscience, it is incredible that this country would exempt a man from combat duty because of his religious convictions in time of war, when our Nation is in the greatest and gravest of peril, and yet require one to join a labor union in peacetime in order to work and support himself and his family, when he is absolutely opposed to joining a union on the basis of deep-seated religious convictions.

Much of the labor law that now appears on the statute books has been put there by legislators who believed that it was justified on the theory that unions are voluntary associations. Now American labor leaders, after winning the concessions on one basis, are trying to tell Congress that it must now turn around and preempt from all the States the power to say whether there shall or shall not be a union shop or a closed shop. The truth is that unions that are honestly run and serve the best interests of their members do not need compulsory unionism to keep them going. A union is neither worthy nor worthwhile when its existence depends upon forcing workers to join under threats of losing their jobs. One of the most incredible elements in the whole movement to repeal section 14(b) is the fact that the very liberals who talk the loudest and longest about civil rights are now bent on destroying the freedom of an individual to choose what organization or association he shall or shall not join and what conditions he must meet to earn the bread for himself and his family. Freedom rests on choice, and where choice is denied freedom is destroyed.

Mr. President, if the proponents of this bill require us to speak at great length and in detail, either this year or the next, it will be a privilege for me to participate to the fullest degree in this debate. In the remarks that I have made today, I have not alluded to the voluminous mass of material that appears in the hearings and files of the Senate Internal Security Subcommittee regarding communistic influences in unions. The past, present, and future attempts of the Communist conspiracy to infiltrate and control unions in this country is as strong an argument as can possibly be advanced against compulsory unionism. I intend to develop this subject to the fullest.

I thank my distinguished friend the senior Sentor from South Carolina [Mr. THURMOND] for his courtesies.

Mr. President, I ask unanimous consent that this be counted as one speech on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Iowa [Mr. MILLER], with the understanding that I shall not lose my right to the floor, that his remarks will appear elsewhere in the RECORD, and upon my resumption, it will not be considered a second speech by me on this subject.

STANDARDS FOR FOOD

During the delivery of Mr. THURMOND's speech,

Mr. MILLER. Mr. President, a little noticed but highly important organization is the Codex Alimentarius Commission, established in 1962 under the auspices of the United Nations Food and Agricultural Organization and the World Health Organization for the purpose of devising an international set of standards for food. There are now 45 of the some 100 eligible nations participating in drawing up this code.

The work of the Commission is highly important—not only as a means of improving the quality of food for consumers but also as a means of discouraging arbitrary standards as barriers against imports of food products, including imports of U.S. food products.

Although these standards will not, in the absence of bilateral or multilateral agreements, have legal status when they are adopted by the Commission, they will have considerable weight of much of the international scientific community behind them, and they can be expected to exercise a strong influence on the form of national food laws around the world and in discouraging their use as nontariff trade barriers.

In today's Wall Street Journal there is an excellent article by Mr. Ted Stanton entitled "Standards for Food," which discusses the work of the Commission. He points out that the Commission is directing its attention to all kinds of standards, not only those relating to the quality of types of food products, but to labeling, methods of analysis, food additives, food hygiene, sampling, and pesticide residues.

He also points out that because of the method followed by the United States in its financial participation in United Nations activities, additional money was not available to sponsor a U.S. delegation to the meetings of the Commission until next year, and that several private companies contributed some $75,000 to finance participation of a delegation during the last 3 years. I believe these companies, unnamed in the article, are due the highest of praise for their contributions; but I am surprised that our Federal Government has not somehow worked out the proper financing of this delegation heretofore. Surely it merits our own Government's strongest support.

I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STANDARDS FOR FOOD: A UNIFORM WORLD CODE IS NEARER DESPITE SOME DISPUTES

(By Ted Stanton)

French and United States delegates square off this week in Paris over an issue little publicized but with potentially broad significance to consumers around the world and the industries that feed them.

In dispute is the scope, and thus to some extent the future, of the Codex Alimentarius (rough translation: food code), the most wide ranging effort yet attempted to bring some uniformity to the tangled food regulations of the world. The French position is clear: Limit the work of the Codex primarily to food standards that do no more than protect consumers' health. The United States is equally firm. Besides insuring that food is wholesome, says Nathan Koenig, Agriculture Department official heading the U.S. delegation to the Codex Commission, "the Codex must also facilitate international trade and help establish a common language for buyers and sellers. We've got to try to give the world's consumers some recognized basis for judging value." And it is vital, he adds, to bring it all together in one accepted body of standards.

If the question of scope isn't resolved in this week's meeting of the committee on principles, the matter will go before the full Codex Alimentarius Commission, which will hold its third annual session October 19–29 in Rome. Even then, accord is far from assured.

However, with or without it, agreement is likely soon, after 3 years of effort, on the first provisional international food standards of the Codex. Though proposals covering sweeteners will be the only ones this year to reach the next-to-final step of provisional status—lacking only one final review by all member nations—lengthy negotiations in a variety of fields have cleared away many obstacles to agreement. And several potential hurdles—so-called nontariff barriers—to future U.S. exports have been deftly turned aside.

The Codex Alimentarius Commission was launched in 1962 under auspices of the United Nations Food and Agriculture Organization (FAO) and World Health Organization (WHO). Its aim was to draw up standards that would bring a measure of harmony to an area characterized by confusion. An FAO study at the time documented the need: At least 135 different agencies or organizations, not even counting governments, were working independently on food standards.

PARTICIPATION BROADENS

Committees were set up at the first annual session in 1963 to line out procedures and principles for the Codex, and to begin work on draft standards. The number of nations participating has increased each year, with 45 of the over 100 eligible countries represented at the session in Geneva last year. The Commission alternates its yearly meetings between Geneva and Rome; committees meet frequently during the year in many places.

U.S. officials are hopeful that establishment of the Codex ultimately will smooth greatly the flow of food products among nations, providing in the process a greater variety of goods of assured quality for housewives of many lands, often at more competitive prices. Declares Franklin M. Depew, president of the Food Law Institute: "U.S. industry has a major stake in the work of the Codex, because of the importance of making sure that other nations don't employ food standards as barriers against imports of U.S. food products."

For international manufacturers and exporters, who must meet multiple requirements of individual countries to move their goods, he notes that unification of legislation would simplify their operations. The Codex is important for those operating within the United States, too, he adds, because "legislation created outside the United States may, as time goes on, be adopted by or influence the United States."

The standards being worked out won't automatically become law for the nations of the Codex, "but that very fact makes it somewhat easier to get broad agreement on them," according to Harry Meisel, a Corn Products Co. executive who has served as one of the industry advisers to the U.S. delegation since the inception of the Codex. The standards, though without legal status, will have the considerable weight of much of the international scientific community behind them, Mr. Meisel notes. "And it is hoped they will have a strong influence in the long run on the form of national food laws around the world, and in discouraging the use of nontariff barriers," he says. "It is more difficult to defend a restrictive regulation if you stand alone when doing it."

Over the years, many food standards have been used to hamper international trade, often to protect a particular segment of a nation's economy. It is frequently done, says Mr. Koenig, "through incorporating into food standards limitations or prohibitions on the use of adidtives or other ingredients."

He notes that an effort was made to write one such restriction into the proposed standards for orange juice. "Out of the first meeting came a proposed requirement that only sucrose in dried form in a specified amount be permitted to be used as a sweetener in orange juice. This would, of course, close the door to the many other sweetening ingredients commonly used in the United States. And it would have set a precedent for standards for other foods that use nutritional sweeteners." Such a ban "would indeed be detrimental" to U.S. fruit juice exports, which run close to $50 million annually, he asserted.

As a result of U.S. opposition, the standard was revised to permit use of any dry sweetener in orange juice.

Corn sirup regulations illustrate vividly the problems faced by manufacturers. Such sirups are used widely in the United States, but in Europe, where beet sugar is big business, the story is quite different, and many sided. An industry survey of 11 European countries' regulations for 10 products, including candy, ice cream, canned fruits, and baked goods, outlined the labyrinth the seller must solve to move his goods.

A DIFFERENCE IN RESTRICTIONS

At that time, it showed, West Germany prohibited use of corn sirup in four products, restricted it in five others and allowed unrestricted use in candy. France barred or curbed it in all but candy and baked goods, Italy in all but ice cream and baked goods. Some items were admitted with declarations on the label, some with corn sirup allowed to account for only a specified maximum percentage of sweetening used. The United States, where nontariff barriers are not unknown, either, had percentage maximums for three of the products, and no restrictions on the others.

By contrast, Great Britain allowed unrestricted use in all 10 products. Remarks Robert G. Ruark, vice president for corporate research of Corn Products: "One would think the English stomach and the French stomach would perform identically, but I suppose the Frenchman would deny this to death."

Curbs appear in other industries, too. In West Germany, the most important restriction on meat, according to Dr. C. E. Murphy, of the Agriculture Department's Meat Inspection Division, is that all offal products, mainly liver and kidneys, "must be completely defrosted and inspected individually after entering the country. This adds considerably to the exporter's cost, for he foots the bill, and the thawing and freezing also detracts from the quality of the meat." The United States, he notes, also defrosts and inspects, but only with samples of each shipment. The whole shipment is rejected, of course, if the sample proves bad, he adds.

Labeling requirements pose other problems. A British quart, for example, contains about 8 fluid ounces more than a standard U.S. quart, and labels on U.S. goods destined for shipment there must conform to the British measure. Language problems alone frequently impose barriers, too.

Bringing some order to these and many other conflicting codes is at the heart of the U.S. position on the range of the Codex. Negotiations on the standards, U.S. officials hope, will ultimately help harmonize many of these and comparable restrictions. But the significance of the Commission's work may be substantially broader. In two areas it could be particularly helpful.

Developing nations frequently lack the resources to write and implement meaningful food laws. Thus Canada finds it necessary to restrict meat imports to products from only 20 specified nations. Less developed nations, many officials believe, will benefit considerably by being able to draw on the Codex. And highly industrialized nations, such as those in the Common Market, may find it decidedly easier to reach an accord on a set of codes that reflect such a broad consensus.

Significantly, notes Mr. Meisel, in the several years that the six-nation Common Market has been striving to write food standards into law, agreement has been reached on only a handful. Another participant in the Codex discussions adds somewhat ruefully, "The food standards business is a slow, slow affair."

An advantage the Codex has over many other agencies working on food standards lies in the broad expertise it can bring to bear through the staffs and resources of the FAO and WHO. The agenda for the Rome meeting of the entire Commission provides an indication of what has already been accomplished.

PROGRESS ON MANY ITEMS

It includes progress reports on standards for milk, fish, honey, poultry, chocolate, fats and oils, fruit juices, meat, labeling, methods of analysis, food additives, food hygiene, sampling, and pesticide residues. Others on fats and oils and on processed fruits and vegetables are about the farthest along toward standards status.

Most of these reports have been prepared by committees that were set up by the Commission during its initial annual meeting in 1963 and staffed with experts from many nations. These committees prepare draft standards and then circulate them among the member nations. After discussion, comment, and much revision within the committee, the proposals finally reach the provisional standard stage. "General assembly type of debate is avoided as much as possible," notes Leonard Lobrad, of the National Canners Association, "because as broad agreement as possible is needed to get them through."

When the drafts reach the provisional stage they are presented to the general meeting and all the member nations get one last chance for review. If the proposals survive, they become part of the Codex Alimentarius.

Over the short life of the Codex, not surprisingly, the troubles haven't been limited to the actual standards being written. A not insignificant question, from the U.S. standpoint, was financing during the first 3 years. Because of the method of U.S. Government financial participation in U.N. activities, additional money couldn't be

voted to sponsor the U.S. delegation until 1966. But several companies pitched in a total of about $75,000, which permitted U.S. participation in the work of the Codex from the beginning.

The international aspects of the Codex spawned some difficulties, too. The agenda adopted for the second session last year indicated a difference over what was said as well as what should be said. One Commission report included a footnote pointing out "discrepancies between English and French and Spanish versions of the report of the first session."

Despite the occasional stops and starts, however, the building of an international set of food standards appears to be progressing.

RELIEF TO VICTIMS OF HURRICANE BETSY—PROPOSED AMENDMENTS TO S. 1861

During the delivery of Mr. THURMOND's speech,

Mr. LONG of Louisiana. Mr. President, will the Senator yield briefly to me, reserving his right to the floor, and with his right to continue his speech without it counting as a second speech?

Mr. THURMOND. Mr. President, I yield to the Senator from Louisiana with that understanding and the further understanding that the remarks of the able junior Senator from Louisiana appear elsewhere in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, some time ago I introduced a bill, (S. 2591) to provide additional assistance for areas suffering major disaster, to help people who had suffered disastrous losses as a result of hurricane Betsy in Louisiana and in some parts of Mississippi.

I have discussed this matter with the distinguished chairman of the Public Works Committee, to which the bill was referred. The chairman pointed out to me that his committee has acted favorably and forwarded to the House S. 1861, which measure is awaiting action by the House. The chairman suggested to me that the most expeditious way in which to get action on this measure would be for the House to amend the bill in order that the Senate conferees, who are the senior members of the Committee on Public Works, might have an opportunity to consider it in conference with the House.

In the event that such action cannot be had in the House of Representatives, I hope that the committee will hold hearings in order that we might proceed with the measure.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the suggested language which the chairman of the Committee on Public Works and I have discussed, and which I anticipate the chairman of the committee will support in the event that the House should see fit to send it to us.

There being no objection, the proposed amendments were ordered to be printed in the RECORD, as follows:

PROPOSED AMENDMENTS TO S. 1861 OFFERED BY MR. LONG OF LOUISIANA

On page 4, line 1, after "(d)" insert "(1)".

On page 4, between lines 9 and 10, insert the following:

"(2) The Small Business Administration shall cancel up to $5,000 of the principal obligation of any borrower under a loan made pursuant to section 7(b)(1) of the Small Business Act, if (A) such loan was made for the repair or replacement of property damaged or lost as the result of a major disaster, and (B) such property was not insurable against the type of damage or loss sustained."

On page 11, beginning with line 16, strike out all down through line 22, and insert in lieu thereof the following:

"(b) The Secretary of Agriculture is also authorized to make grants to fish farmers and oyster planters whose fish farming or oyster planting facilities have been damaged as the result of a major disaster. Such grants shall be made for the purpose of assisting such farmers or planters in restoring their facilities to normal productive capacity, or, in the case of oyster planters, to prepare new seeding grounds.

"(c) The amount of the grant authorized under this section in the case of any farmer, or any fish farmer or oyster planter, shall not exceed an amount determined by the Secretary to be equal to two-thirds of the total cost of preparing the damaged farmlands for cultivating and restoring such farmlands to normal productive capacity, or in restoring fish farming or oyster planting facilities to normal productive capacity, or in preparing new oyster seeding grounds, as the case may be, and in no event shall the amount of any such grant in the case of any farmer, fish farmer, or oyster planter exceed $10,000."

On page 11, line 23, strike out "(c)" and insert in lieu thereof "(d)".

On page 12, line 3, strike out "(d)" and insert in lieu thereof "(e)".

Mr. LONG of Louisiana. Mr. President, I hope very much that the House of Representatives will consider this language because I have assurance from the chairman of the Senate committee that an approach of this sort would be favorably considered by the chairman, and that there is good reason to believe that the senior members of his committee would be inclined to go along with this language. It does, in my judgment, substantially what the measure that I had introduced would achieve.

I submit the proposed amendments to S. 1861, which has been passed by the Senate, in the hope that the House will take note of the proposed amendments.

CALL OF THE ROLL

During the delivery of Mr. THURMOND's speech,

Mr. THURMOND. Mr. President, I suggest the absence of a quorum, and request that this quorum call appear at the beginning of my address.

I also ask unanimous consent that upon my resuming after the quorum call, it not be considered a second speech upon this subject on this legislative day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

[No. 282 Leg.]

Bartlett	Clark	Harris
Bible	Dodd	Hart
Burdick	Douglas	Hickenlooper
Case	Fong	Holland
Church	Gruening	Hruska
Inouye	Miller	Russell, Ga.
Jackson	Morse	Smith
Kuchel	Moss	Sparkman
Lausche	Murphy	Thurmond
Magnuson	Muskie	Tydings
Mansfield	Pastore	Yarborough
McGovern	Proxmire	Young, N. Dak.
McIntyre	Randolph	
McNamara	Russell, S.C.	

Mr. LONG of Louisiana. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PELL], the Senator from Mississippi [Mr. STENNIS], the Senator from Georgia [Mr. TALMADGE], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. METCALF], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Delaware [Mr. WILLIAMS] are absent on official business.

The Senator from New York [Mr. JAVITS], the Senator from South Dakota [Mr. MUNDT], and the Senator from Massachusetts [Mr. SALTONSTALL] are absent by leave of the Senate as delegates to attend the NATO Parliamentary Conference in New York City.

The Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. HART. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay: Mr. ALLOTT, Mr. BASS, Mr. BAYH, Mr. BENNETT, Mr. BOGGS, Mr. BYRD of West Virginia, Mr. CARLSON, Mr. COOPER, Mr. COTTON, Mr. ELLENDER, Mr. FANNIN, Mr. HARTKE, Mr. HAYDEN, Mr. HILL, Mr. JORDAN of Idaho, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. LONG of Louisiana, Mr. MCGEE, Mr. MONRONEY, Mr. MORTON, Mr. NELSON, Mr. PROUTY, Mr. ROBERTSON, Mr. SIMPSON, and Mr. WILLIAMS of New Jersey, entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

LEAVE OF ABSENCE

During the delivery of Mr. THURMOND'S speech,

Mr. MILLER. Mr. President, I ask unanimous consent that I may be excused from attendance on the Senate on October 7, October 11 through 14, and October 18 through 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, the subject of this debate is of intense interest to me for several reasons. It involves a fundamental principle of individual freedom. I have always believed that each generation holds our liberties in trust for the next—that none of us has the right, for his own convenience or to ease the impact of some temporary crisis, to weaken or modify these liberties so that our descendants inherit less than their full share.

Aside from its inherent wrongness in a free country, I believe that the economic and social evils which flow from compulsory union membership are many and varied.

Mr. President, at the outset I intend to speak about three aspects of compulsory unionism which would result if section 14(b) of the Taft-Hartley Act were repealed.

First, how compulsory unionism affects the rights of workers, both union and nonunion.

Second, how compulsory unionism affects the economy and the interests of the general public.

And third, how compulsory unionism affects the union itself.

In all three aspects, the effect is bad. Compulsion in itself is bad. It inevitably corrupts the one who has the power to use it. It makes of the person who is being compelled less than a man. It has no place in a free land, except in the hands of governmental authority for specifically defined and carefully limited purposes.

We speak of "free labor" in this country. In fact, union spokesmen use the phrase constantly. In their minds the phrase has a special and peculiar connotation. But to most of us, the words "free labor" can have only one true meaning. It means freedom for the individual workingman—freedom for any man to work at any trade or calling for which he has the capability; freedom to join a union if he wants to; freedom not to join if he does not want to; freedom to get out of a union if he is opposed to its actions; freedom to do his best in his work and to progress to the full extent of his capacities; freedom to support the political party or candidate of his choice.

But union leadership believes that free labor means something else. They believe that it means freedom for the union, not for the people who belong to it. They believe it means freedom for them to deny jobs to those who will not join their organizations voluntarily; freedom for them to prevent people from working at various trades unless they sign up with the union; freedom for them to refuse union cards to people they do not like or whom they feel they do not have room for; freedom for them to block the entrance to an employer's premises, to damage or destroy his property, to use threats, boycotts, and physical violence to force the acceptance of a union contract. They believe it means freedom for them to use the dues money paid in by their members to elect political candidates favored by union leaders, even if many of the members who pay the dues may be opposed to these handpicked candidates.

They use the term "free labor" to oppose any effort to subject them to the reasonable laws and regulations under which all of the rest of our society must operate. They use it to deny any attempt to place reasonable controls over their exercise of arbitrary power. Anyone who suggests that the unbridled use of such arbitrary power is unfair and alien to our way of life is immediately labeled a "union buster" or "labor baiter."

Mr. President, let me make it clear that I am not against unions. I believe that every man has a right to join a union if he wants to, and that he has an equal right not to join. I believe this right should not be interfered with by either employers or union representatives. We believe that what unions have to sell should be sold on its merits, and not through coercion, intimidation, headcracking, or deals which employers and unions might make for their mutual convenience.

I believe that power in the union should rest with the membership, and not with the professional unionists who hold the top offices, usually for life, with some notable exceptions. Professionals are necessary, of course, to administer the affairs of the union. Collective bargaining is not a job for amateurs. But these professionals should be hired employees of the union who do the bidding of the rank-and-file membership, just as the staff officials of every other type of organization or association in the country. When they fail to carry out the wishes of the membership, they could then be fired and other people hired in their places.

With compulsory unionism, however, the professionals practically own the union. They have almost complete and autocratic power over the rank and file. Within the limits of the Landrum-Griffin Act, it is this power which enables them to perpetuate themselves in office. The professionals are able to appoint their own henchmen to key positions and to elective bodies which almost automatically assures their reelection so that they may continue to operate the union as their own private principality.

It is this power which is being used to force many people into unions against their will and once they are in, to push them around with no regard whatsoever for their rights or their feelings as human beings.

Mr. President, many unions, from the locals on up to the front office of the international, are run by tightly knit cliques, who hand down orders and require obedience to them. In these unions, the rank-and-file member has nothing—absolutely nothing—to say. He is shouted down and perhaps even subjected to some form of punishment if he tries to protest within the union. He may be brought up on charges of conduct "unbecoming a union member" if he protests outside the union, and he cannot resign from the union in protest without forfeiting his job and his livelihood.

Union leaders sometimes will admit that these things happen in some unions. And they accuse anyone who mentions them of trying to blacken the whole union movement because of the sins of the few. Of course, all unions are not dishonestly run. Neither are all men crooks. But because a few are, we have laws to protect honest people against their depredations.

In some unions the rights of the individual are respected and he is given an honest chance to participate in its affairs. But under compulsory unionism the evils I have cited are always a possibility. The leadership of an upright union may change—and there are always men trying to effect such changes for their own personal aggrandizement.

To make sure the rights and the dignity of the individual will be safe under all circumstances, the requirement of membership or nonmembership in a labor organization as a condition of employment should be illegal.

The second aspect I wish to cover deals with the effect of compulsory unionism on the economy and on the general public. The economy and the public are adversely affected because compulsion is the chief prop which sustains union monopoly power.

The dictionary defines the word monopoly as follows: "Exclusive control of the supply of any commodity or service in a given market."

Now, whether or not one believes a labor monopoly exists in this country depends upon how this definition is applied. If it is applied to the Nation as a whole, obviously the charge of labor monopoly cannot be sustained. More than 81.1 million people make up the labor force in this country; and of course a united labor movement with only about 16.8 million members cannot be said to control the labor supply on a national basis.

However, when one applies this definition to certain industries or trades the

picture is different. In many industries, including most of the basic ones, the entire labor supply is under the control of a single nationwide union. And when the officials of this union say "don't work," nobody works. When the officials of this union say "this is the kind of wage and benefit package we want; take it or leave it," even the most powerful corporations in the country have to take it or undergo long, costly, and exhausting strikes.

Mr. President, as a result of this monopolistic power of unions to dictate labor costs in the basic industries, the country is faced with continuing inflation. Labor costs are the chief item in the overall costs of producing goods. When labor costs go up without a corresponding increase in the output per man-hour, a company must raise prices or it will go out of business.

Labor union monopolies, like all monopolies, result in gouging the public. All consumers suffer, particularly those on fixed incomes, such as the retired, the schoolteachers, clergymen, civic employees, white-collar workers, and others who are not able to adjust their own incomes upward as easily as wages are pushed upward in the industrial sectors of the economy. When the consuming public as a whole refuses to pay the higher prices forced by union monopoly power, or becomes unable to pay them, we are going to have recession and unemployment.

In most of our important industries today, there is no such thing as collective bargaining between employers and the representatives of their own employees. The inevitable demands for wage increases and fringe benefits are formulated and dictated in the far-off headquarters of the national or international union. They are presented to individual employers on a take-it-or-leave-it basis. There is not much chance to argue—to protest. It is sign on the dotted line or take a strike. It is collective bludgeoning—not collective bargaining.

Mr. President, it is a fact that a handful of men—and in some cases, one man—has the power to stop the wheels of our major industries; to bring the economy of the Nation to a dead halt. The Government of the United States does not have this power. The President does not have it. The Congress does not have this power. But the few men in control of the labor supply of basic industries do have it. When they do not get their way, they use it—and seemingly no power in the United States is able to stop them.

Now, we may well ask, how did these few men get such power? Did we, the Congress give it to them? Do they exercise such power under a charter from the American people, or even from the people that are supposed to represent? The answer is "no."

Our intent in enacting the labor-management legislation now on the books was to safeguard the rights of individual working people. It was not, and could not have been, the intention of Congress to set up union monopolies.

The intent of the courts in interpreting these statutes, again, was not to create union monopolies. It was to secure to the individual the right of self-organization and collective bargaining with his employer.

But the laws and the decisions of the courts, while not designed to create union monopolies, have provided very few prohibitions against them. Through these loopholes the union bosses have driven with all their energy and determination to create monopolies in fact in most of our basic industries.

As I said earlier, the cornerstone on which union monopoly power rests is compulsion—compulsion on the employer to sign a union shop agreement; and compulsion on the workingman to join the union if he wants to make a living. The basic reason for seeking monopoly power is to be able to use compulsion whenever it seems, to the holder of that power, necessary or desirable.

Union monopoly power is sustained financially by the compulsory collection of union dues—the checkoff. Members must agree in writing to have dues deducted from their pay, or they will find themselves out of a job. Whenever the union overlords decide they need extra money for some purpose, the members are assessed. If they do not pay the assessment, there are various direct and indirect ways to compel payment.

Union monopoly power and its exercise is permissible because unions are exempt from the legal liabilities under Federal law to which all other persons and organizations are subject. Because of the doctrine of Federal preemption promulgated by the Supreme Court which holds that the States have no power to act in a field over which the Federal Government has taken jurisdiction, there is little the several States can do to control or regulate the monopolistic operations of unions. The one exception of note is section 14(b) of the Taft-Hartley Act permitting State right-to-work laws; hence, the unremitting effort of the union leadership to effect its repeal. Moreover, I suspect that a major reason the union movement is so vigorously urging the repeal of section 14(b) in this session is that, as Lawrence Fertig said in his column of June 7, 1965:

> Total union membership has fallen off and any increase that has occurred in recent years has come because of Presidential Executive orders permitting unions to be formed by employees of the Federal Government.

Unions are in effect separate sovereignties. Their leaders are answerable to no one but themselves.

Mr. President, there are some in America who think this situation is perfectly all right—some people in high places in intellectual circles, in government, and even in business. The argument goes that the so-called union shop—which in actual practice becomes the closed shop—should be a matter of contract between an employer and a union; and that any prohibition of such agreements by law is a curtailment of the right of contract.

But what about the rights of the individual? Have we drifted so far from the principles of individual freedom on which America was founded that contract rights take precedence over the inherent rights of the individual?

If two parties—an employer and a union—bargaining in their own interests, can enter into a contract which violates the rights of the individual who works for that employer, personal freedom for the workingman is dead in America.

What happens to the human dignity and rights of the individual craftsman under these circumstances? His representation in the important matter of earning a living is all staked out for him. He must accept it no matter how arrogant or venal it might be; and he must maintain himself in the good graces of the union if he wants to earn a living at his trade. If he opposes the union boss, he will not be certified for a job. He must, in effect, surrender his dignity, his self-respect, and his birthright as a free American.

Many who support such forced surrender of individual rights justify it on the ground that it is "practical," that it will encourage labor-management "peace," a matter in which the public has an important stake. It may encourage peace, all right—the peace of surrender; the peace which prevails under a dictatorship when all opposition has been liquidated. That kind of peace is the kind that true Americans have never accepted and never will.

Let me move on to the third aspect of compulsory unionism that I mentioned—the effect of compulsion on the union itself. The effect is demoralizing and corrupting. There are numerous ways in which union leaders can discipline the union membership, but virtually no way in which the membership can discipline the leaders. This being the case, the way is wide open for almost every kind of chicanery imaginable. In fact, this situation attracts some of the worst elements of society into the labor movement. They know a good thing when they see it, and they muscle right in. And while they are muscling in, the rank-and-file members of the union cannot get out.

As the Senate hearings some years ago revealed, monopoly power and compulsion are being used to maintain crooks, racketeers, gangsters, and hoodlums—or their puppets and front men—in the top positions in some unions. With one hand they keep a tight grip on the workingman's throat, so that he can neither move nor cry out in protest; with the other they reach into his pay envelope and into his welfare fund in order to enrich themselves.

Mr. President, if compulsory unionism is outlawed, unions will have to devote more attention to service to their members and to the community, and less to extending their power and authority over both. Any supposedly voluntary association which needs compulsory membership in order to survive and thrive is obviously not operating in the bests interests of those whose money supports it. According to union leadership, the union shop is necessary for union security. In my opinion, the only kind of security they are entitled to is the security which comes voluntarily from a loyal and enthusiastic member-

ship for whose true interest they are always working. The fact that union leaders say they need compulsion for security is positive evidence they are not doing this kind of job in many cases today. In this connection, Samuel Gompers once said:

Men and women of our American trade union movement, I feel that I have earned the right to talk plainly with you. I want to urge devotion to the fundamentals of human liberty—the principles of voluntarism. No lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which, united, is invincible.

If the prop of compulsion is taken away, we shall remove the basis of union monopoly power in America. Unions can then go about their rightful function, which is to represent their members in collective bargaining negotiations. Furthermore, they will do a much better job of it for all concerned, and mutual cooperation between employers and workers for the good of the Nation will become a reality.

Mr. President, as we begin the discussion of this proposal to repeal section 14(b) of the Taft-Hartley Act, I believe it desirable to reach an understanding as to the definition of the terms involved. This will, of necessity, require some rather academic definitions. This is, however, necessary so that both sides on this issue will be able to more fully understand the other's viewpoint.

WHAT ARE RIGHT-TO-WORK LAWS?

Briefly, right-to-work laws are statutes or constitutional provisions which forbid "compulsory unionism;" that is to say, any practice or procedure under which workers are forced into membership in a labor organization which they would not freely and voluntarily join or which they oppose. The compulsion in such cases is usually the threat that the worker will lose his job unless he joins the union or unless he maintains good standing in the union. In other words, compulsory unionism is exemplified by the union which, in its labor contract with management, makes membership in the union a prerequisite for employment. The most common forms of compulsory unionism result from the use of the "closed shop" provision or the "union shop" provision in a labor contract. A less common form is the "maintenance-of-membership" provision. Under a "closed shop" contract, an employee must be a member of a particular union in order to get a job. The employer can hire only those workers who are already members of the union. The source of employees for management in such cases is the union or the union hiring hall, not the open market. Where there is a "union shop" contract, the employee is required to join a particular union within a specified time and to maintain good standing in that union in order to keep his job.

In his book "The Closed Shop," Father Toner perceives difficulty in stating the "closed shop principle":

A definition of the closed shop principle in the United States is difficult to formulate. The spirit of exclusion of nonmembers may take various forms. It may be embodied in the constitution or bylaws of a national or local union, prohibiting members from working side by side with nonunionists. It may be the rule or custom of a union, enforced by strikes, by understanding or by oral agreement with the employer. It may be incorporated into the written agreement with the employer; in such cases the employer agrees with the union that all employees covered by the agreement * * * shall be or become, and remain union members in good standing, or be discharged (p. 22).

Most of the courts and textbook writers on such subjects as labor relations or labor economics have experienced no such difficulty in formulating a definition of the closed shop. Father Toner himself proceeds to demonstrate this in the very effort to enlarge upon his strange difficulty with the definition:

It is easier to describe the term "closed shop" than to define it. Dr. William M. Leiserson said: "A closed shop, as popularly understood in the United States, is a place where none but union members may work." The U.S. Department of Labor appears to agree: "In union agreements, a closed shop is established by a provision requiring union membership as a condition of employment in the plant or in the occupation covered by the agreement." But such a definition seems to emphasize place rather than principle (p. 28).

In "American Labor Unions," Florence Peterson defines "closed shop" as "an agreement between an employer and a union which specifies that no persons shall be employed who are not members of the union and that all employees must continue to be members in good standing throughout their period of employment."

And the same author defines "union shop" as "an agreement between an employer and a union which requires all employees immediately after hiring or after a specified probationary period, to become and remain members of the union."

Philip Taft, in his "Economics and Problems of Labor," has this to say on the subject:

The right of a worker to belong or not to belong to a union while employed in a particular plant will be determined by the agreement between the union and the employer on this point. The basic types of relations are the closed and open shop, and a number of variations of each have been devised. A closed shop exists where none but union workers may be employed. Some closed union shop arrangements specify that only union men can be hired. This means that before a worker can be accepted for employment he must be a member of the union. In some cases it merely means that a worker must join the union before he goes on the job. On the other hand, some unions also follow the policy of insisting upon a closed shop and a closed union. In this case the union does not admit all workers in its trade or class at all times, but it closes its books when its officials or members are convinced that the present members of the union are adequate to supply the demand for labor. The closed shop and the closed union, as can be seen, constitute a method by which the union seeks to monopolize the employment opportunity for its own members and to exclude all others. A third type of closed union shop is one in which the employer is allowed to hire nonunion men, who, however, must affiliate themselves with the union within a specified time—usually between 15 and 30 days after employment.

Bulletin No. 908 of the U.S. Department of Labor, Bureau of Labor Statistics, published in 1947 devotes the following lines to the "closed shop":

Under the "closed shop" form of union security, the company obligates itself to hire and retain in its employ union members only. "Closed shop" has been defined to include recruitment by or through the union or the requirement that all new members be members at the time of employment. The agreement may provide that the employer may reject a worker, referred to him by the union, who does not meet the specific standards set by the employer or the contract. When an agreement establishes the closed shop for the first time, employees are required to become members of the union within a short time after the signing of the agreement.

Under the heading "Union Shop," the same bulletin reads:

The union shop differs from the closed shop in that the employer is free to hire nonunion workers and is the sole judge of the qualifications of the applicant. The union shop is identical with the closed shop in that membership in the union is a condition of continued employment, and suspension from the union may entail dismissal from the job. However, unlike the closed shop, union membership may not be acquired until immediately following employment, or within a stipulated period thereafter.

Mr. President, the leading case which in New York has legitimated the closed shop is *Williams* v. *Quill*, 277 N.Y. 1; certiorari denied 303 U.S. 621. The following excerpt from the decision in that case indicated a judicial concept of the closed shop:

We find that a labor organization is permitted to combine and to strike in a particular industry for the purpose of obtaining employment for its own people, even to the extent of excluding others from the entire industry who are not union men. The one reservation in this law is that the attempt to accomplish the end shall be carried out in good faith and for the declared purposes, and not through malice or ill will or a desire to injure nonunion employees or simply and solely for the purpose of keeping them out of work.

If all this be lawful, what is there unlawful in negotiating with an employer to accomplish through strike, which leads so frequently to disruption of business and violence? If the railroads in this instance, acting upon their own initiative, determine to dispense with the services of nonunion men, I know of nothing in the law which would prevent them from doing so; or, to put it in a different way, if the defendant employers should come to their decision that, for the good of their enterprises, they would thereafter employ only union men, I do not see how the law could prevent them from doing so, or from discharging the plaintiffs and their nonunion employees. It might be an unpleasant situation for all, but, nevertheless, one with which the law could not interfere.

And * * * if there be an evil in the monopoly of the labor market in a particular industry by labor organizations, it is a matter to be considered by legislatures and not by the courts for the reason that there are two sides to the question—the other side being that the labor organizations, through this means of contracting and negotiating, are enabled to strengthen their representative bodies and to effectuate collective bargaining. Of course, demands on either side may be carried too far. These, however, are not matters for the courts to consider. Public opinion is soon reflected in legislation. We can simply approach the question and decide it according to principles of law. The wisdom of legislation or the reasonableness

of action under legislation are matters which must be put aside by us in considering these questions.

Mr. President, without laboring the point any further, the quotations given above provide authoritative definitions of the closed shop and the union shop.

The right-to-work laws are aimed at the elimination of such forms of compulsory unionism. They regard trade unions like other private organizations or groups, as based upon a philosophy of free association rather than coerced association. It would be absurd to propose a system or practice of forcing people to become members of the Roman Catholic Church, or members of the Elks, or members of some civic association merely because one was persuaded that such membership is, in and of itself, a good thing. Those who have proposed and passed right-to-work laws feel that free association is as much a part of the American tradition of civil liberties as free speech.

THE TEXT OF SOME ACTUAL RIGHT-TO-WORK LAWS

There is no substitute for a careful reading of the actual texts of some of the right-to-work laws which are now on the statute books. Let us begin with the Wyoming State law, which is the most recent enactment of a right-to-work law:

WYOMING STATUTES—TITLE 27

SECTION 245.1. Right to work—Definitions. (a) The term "labor organization" means any organization, or any agency or employee representation committee, plan or arrangement, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. (b) The term "person" shall include a corporation, association, company, firm or labor organization, as well as a natural person.

SECTION 245.2. Same—Membership in labor organization not required. No person is required to become or remain a member of any labor organization as a condition of employment or continuation of employment.

SECTION 245.3. Same—Abstention from membership in labor organization not required. No person is required to abstain or refrain from membership in any labor organization as a condition of employment or continuation of employment.

Section 245.4. Same—Payment or nonpayment of dues not required. No person is required to pay or refrain from paying any dues, fees, or other charges of any kind to any labor organization as a condition of employment or continuation of employment.

Section 245.5. Same—Connection with or approval by labor organization not required. No person is required to have any connection with or be recommended or approved by, or be cleared through, any labor organization as a condition of employment or continuation of employment.

(The foregoing section, section 245.5, was held unconstitutional in the case of *Local 415, International Brotherhood of Electrical Workers* v. *Hansen*, 400 P. 2d 531 [Wyoming 1965].)

Section 245.6. Same—Misdemeanor to impose or try to impose prohibited requirements; civil liability. Any person who directly or indirectly places upon any other person any requirement or compulsion prohibited by the act [§§ 27–245.1 to 27–245.8], or who makes any agreement written or oral, express or implied, to do so, or who engages in any lock-out, lay-off, strike, work stoppage, slow down, picketing, boycott or other action or conduct, a purpose or effect of which is to impose upon any person, directly or indirectly, any requirement or compulsion prohibited by this act, is guilty of a misdemeanor and shall also be liable in damages to any person injured thereby.

Section 245.7. Same—Injunction against prohibited conduct. Any person injured or threatened with injury by any action or conduct prohibited by this act [§§ 27–245.1 to 27–245.8] shall, notwithstanding any other law to the contrary, be entitled to injunctive relief therefrom.

Section 245.8. Same—Penalties for misdemeanor. Any person convicted of a misdemeanor, as defined in this act [§§ 27–245.1 to 27–245.8], shall be punished by a fine not to exceed one thousand dollars ($1,000), or imprisonment in the county jail for a term not to exceed six months, or both.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. THURMOND. I am delighted to yield to the able and distinguished Senator from Wyoming.

Mr. SIMPSON. Does the Senator know that in Wyoming, subsequent to the passage of the right-to-work law in 1963, there was, in 1965, an attempt to repeal the right-to-work law in Wyoming? The repeal was defeated by a narrow margin and the bill became law.

Mr. THURMOND. I have been told that was the case. I was pleased when I learned that the State of Wyoming passed the right-to-work law. I was also pleased when I learned that the effort to repeal the law this year was defeated.

Mr. SIMPSON. Does the Senator have a list of the number of labor unions prior to the right-to-work laws in the various States and subsequent to the passage of the bills?

Mr. THURMOND. I believe I have such information, but I do not have it with me at the moment.

Mr. SIMPSON. I call the attention of the Senator to the fact that in Wyoming the number of the labor force in 1961, prior to the passage of the Act was about 16,000. In 1963 it was about 17,000. After the right-to-work law came into existence in Wyoming the number of union members went from 16,000 to over 18,000, almost 19,000 laborers. We have the least number of unemployed now that we have had in the last 12 years.

Mr. THURMOND. In other words, since the passage of the right-to-work law in the State of Wyoming, as I understand, membership in labor organizations has increased.

Mr. SIMPSON. The Senator is correct.

Mr. THURMOND. Rather than decreased, as some opponents of the right-to-work law contended it would.

Mr. SIMPSON. The Senator is correct.

Instead of asking questions, if I may, I would prefer to make a brief statement.

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senator from Wyoming be permitted to propound any questions or make any statement on this subject during this colloquy; I shall be pleased to yield to him for that purpose, without losing my right to the floor, and with the understanding that upon his completion, when I resume, it will not be considered a second speech by me on this subject on this legislative day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. The observation I desire to make is that in 1963 a statewide educational program was carried on in Wyoming with respect to the passage or nonpassage of a right-to-work law. Significantly, the newspapers and various organizations were quite equally divided on the question. But the bill now being considered in Congress, which seeks to repeal section 14(b), has raised grave doubts in the minds of the people of Wyoming with respect to the usurpation of State authority and State jurisdiction. The result is that most of the important organizations in Wyoming are violently opposed to the repeal of section 14(b). Newspapers which had previously been against a right-to-work law in Wyoming are now taking up the cudgels, through editorials and otherwise, against the repeal of that law and are violently opposed to any attempt to do so. To me, that is a significant showing.

I compliment the Senator from South Carolina for the marvelous work he is doing and has done in the Senate with respect to the constitutional rights of citizens, and his refusal to bow to the attempt by the Federal Government to usurp the jurisdiction of State laws.

Mr. THURMOND. I thank the able Senator from Wyoming. There is no question that has come before the Senate since I became a Member 11 years ago that I consider of more paramount importance than the subject that is now before us. We hear much these days about so-called civil rights. I cannot imagine any civil right that is more important than the right of a man to make a living for himself and his family without being compelled, by force or coercion, to join a labor union or any other organization. I still believe in freedom. I believe the American people still believe in freedom. Certainly we are denying freedom to people when we tell them, "You have to join a labor union in order to get a job," or "You have to join a labor union so many days after you get a job in order to retain the job."

To my way of thinking, that is a matter that, as Samuel Gompers, the great labor leader, said many years ago, should be left to each individual to decide.

We do not compel people to attend church or to join a church.

Some persons say that people who do not join unions are free riders. But Samuel Gompers answered that argument clearly when he said that what one wants to do is a matter for one's own conscience.

If a person wishes to join a church, he has the right to do so. If he does not wish to join a church, he should not be forced to do so.

Samuel Gompers said that no one should be forced to join a labor union unless he wanted to do so. That is sound.

Numerous members of labor unions have told me that they would get more consideration, they felt, if there were no compulsory union membership law. They say that if there were a compulsory union membership law, they would all

have to join a union. Then the union bosses could then kick the members around, could mistreat them, could ignmore them, and could handle their business in such a way that it would be entirely unsatisfactory to them, and they would have little, if any, recourse. But so long as the unions know that they have to cater to the members and respond to their wishes, they must treat the members right. They must accord them courtesy; they must respect them and their rights in the union; otherwise, the unions know that they will lose members.

To my way of thinking, it is most important that we preserve the right of freedom to join or not to join a labor union. What the opponents of the repeal of section 14(b) advocate is merely to leave the decision to each State. I feel that the people of Wyoming, as expressed through the Legislature of Wyoming, know better what they need than does Congress sitting in Washington, 1,000 or 1,500 miles away.

Mr. SIMPSON. To repeal section 14(b) would be to repeal by the backdoor the right which States have to pass their own laws.

Mr. THURMOND. If section 14(b) were repealed, Wyoming could not have a right-to-work law. My State of South Carolina could not have a right-to-work law. None of the 19 States which have right-to-work laws could have such laws.

Why cannot the people of the States make their own intelligent decisions on this question, rather than to have the Federal Government in Washington tell then what they have to do; that they have to join a union in order to get a job? Why should Congress step in and tell the people of any State what they must do? Let the legislature of each State decide.

Mr. SIMPSON. I heartily agree with the statement of the Senator from South Carolina. I am glad to be associated with him in this fight for freedom, as I call it, and in this debate in depth.

I propose to speak at greater length on this subject during the debate that will ensue in the next few days.

I thank the Senator from South Carolina for yielding.

Mr. THURMOND. I recall the first day on which the debate opened. The able Senator from Wyoming was a member of team No. 1, of which I have the honor to be captain. The Senator from Wyoming was our lead-off speaker, the first speaker that day for our team. He delivered a masterful address. He made an outstanding contribution to the debate. I only hope that Members of the Senate and the American people as a whole will take occasion to read the outstanding address that the Senator from Wyoming made on Monday.

Mr. SIMPSON. The Senator from South Carolina is overgenerous; but I thank him nevertheless.

Mr. THURMOND. Mr. President, the text of the right-to-work law of the State of South Carolina is as follows:

CODE OF LAWS OF SOUTH CAROLINA, TITLE 40

SEC. 46. Denial of right to work for membership or nonmembership in labor organization against public policy. It is hereby declared to be the public policy of this State that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization.

SEC. 46.1. Agreement between employer and labor organization denying nonmembers right to work, etc., unlawful. Any agreement or combination between any employer and any labor organizations whereby persons not members of such labor organizations shall be denied the right to work for such employer or whereby such membership is made a condition of employment, or of continuance of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy, unlawful and an illegal combination or conspiracy.

SEC. 46.2. Certain acts required of employee as condition of employment or continuance of employment made unlawful. It shall be unlawful for any employer:

1. To require any employee, as a condition of employment, to be or become or remain a member or affiliate of any labor organization or agency;

2. To require any employee, as a condition of employment, or of continuance of employment, to abstain from membership in any labor organization; or

3. To require any employee, as a condition of employment, or of continuance of employment, to pay any fees, dues, assessments or other charges or sums of money whatsoever to any person or organization.

SEC. 46.3. Deduction of labor organization membership dues from wages. Nothing in this chapter shall preclude any employer from deducting from the wages of the employees and paying over to any labor organization, or its authorized representative, membership dues in a labor organization: *Provided*, That the employer has received from each employee on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of any applicable collective agreement or assignment, whichever occurs sooner.

SEC. 46.4. Labor organization contract violating section 40–46.1 or 40–46.2. It shall be unlawful for any labor organization to enter into or seek to effect any agreement, or arrangement with any employer declared to be unlawful by section 40–46.1 or 40–46.2.

SEC. 46.5. Applicability of sections 40–46.1 to 40–46.3. The provisions of sections 40–46.1 to 40–46.3 shall not apply to any contract, otherwise lawful, in force and effect on March 19, 1954, but they shall apply to all contracts thereafter concluded and to any renewal or extension of existing contracts.

SEC. 46.6. Interference with right to work, compelling labor organization membership, picketing, etc., made unlawful. It shall be unlawful for any person, acting alone or in concert with one or more persons:

1. By force, intimidation, violence or threats thereof, or violent or insulting language, directed against the person or property, or any member of the family of any person (a) to interfere, or attempt to interfere, with such person in the exercise of his right to work, to pursue or engage in, any lawful vocation or business activity, to enter or leave any place of his employment, or to receive, ship or deliver materials, goods or services not prohibited by law or (b) to compel or attempt to compel any person to join, or support, or refrain from joining or supporting any labor organization; or

2. To engage in picketing by force or violence or in such number or manner as to obstruct or interfere, or constitute a threat to obstruct or interfere, with (a) free ingress to, and egress from, any place of employment or (b) free use of roads, streets, highways, sidewalks, railways or other public ways of travel, transportation or conveyance.

Nothing in this section shall be construed so as to prohibit peaceful picketing permissible under the National Labor-Management Relations Act of 1947 and the Constitution of the United States.

SEC. 46.7. Penalties. Any employer, labor organization, or other person whomsoever who shall violate any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by imprisonment for not less than 10 nor more than 30 days or by a fine of not less than $10 nor more than $1,000 or by both in the discretion of the court.

SEC. 46.8. Remedy for violation of rights; relief court may grant. Any person whose rights are adversely affected by any contract, agreement, assemblage or other act or thing done or threatened to be done and declared to be unlawful or prohibited by this chapter shall have the right to apply to any court having general equity jurisdiction for appropriate relief. The court, in any such proceeding, may grant and issue such restraining, and other, orders as may be appropriate, including an injunction restraining and enjoining the performance, continuance, maintenance or commission of any such contract, agreement, assemblage, act or thing, and may determine and award, as justice may require, any actual damages, costs and attorneys' fees which have been sustained or incurred by any party to the action, and, in the discretion of the court or jury, punitive damages in addition to the actual damages. The provisions of this section are cumulative and are in addition to all other remedies now or hereafter provided by law.

The right-to-work laws of those States which have such laws vary. While most are enactments by the State legislature, some have been adopted in statewide referendums by the direct vote of the people. In other cases, the law has been written into the constitution of the State. This is the case in the State of Arizona. Article 2, section 35 of the constitution of the State of Arizona reads as follows:

No person shall be denied the opportunity to obtain or retain employment because of nonmembership in a labor organization, nor shall the State or any subdivision thereof, or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of nonmembership in a labor organization.

In addition to the constitutional provision, Arizona also has sections of their code of laws which deal with this subject.

EXPERIENCE WITH RIGHT-TO-WORK LAWS—THE BASIC ISSUE

From what has been set forth above, it is clear that the issues, whether legal or moral, raised by the right-to-work law do not include the issue whether labor unions, in general or individually, are good or bad, legal or illegal. Nor is the issue the question whether voluntary labor organizations are less efficient than compulsory organizations. Still less is the issue concerned with speculation or prognosis on the benefits which workers can achieve under compulsory unionism as compared with free association. Least of all is the issue one of the motives behind particular persons or groups who favor right-to-work laws. Rogues can use or desire even good legislation for bad purposes; just as, from

time immemorial, rascals have quoted the Bible to their own uses.

The only question is whether right-to-work laws, as exemplified above, are legally, politically, and morally good.

The issue can be put in another way. Should workers be coerced, under the threat of loss of their jobs and so of their livelihood, to join or support a particular private organization such as a labor union?

The basic principle involved would seem to be fully applicable to any type of laudable organization or group, whether it be a trade union, a civic society, a church or any other grouping to be found in our very pluralist society.

Right-to-work laws are based on the principle that a worker's preference not to belong to a particular union, or not to engage in particular union activity, should not be punished at the instance or on the agreement of private groups by the loss of his job. The type of legislation under consideration outlaws employer-union contracts which make union membership a condition of employment.

Some of this legislation prohibits or limits picketing or other mass action by unions where such picketing or action makes it dangerous, difficult, or embarrassing for nonunion workers to accept or to continue employment. Sponsors of right-to-work laws believe that it is just as much the duty of government to protect against economic reprisal the right of an individual to work as to quit work. Both of these are as sacred as the constitutional right of life, liberty and the pursuit of happiness.

BACKGROUND IN UNION HISTORY

Compulsory unionism, which is the subject of the ban of right-to-work laws, did not figure prominently or essentially in that part of the history of unionism which is significant for the United States of America today. Most of the big unions in the United States—like the steelworkers—and indeed in Europe have grown strong and reached maturity without extensive reliance on the union shop or the closed shop.

Norman J. Ware's "Labor in Modern Industrial Society" is basically a historical treatment of the subject. Copyrighted in 1935, it does not even have an entry in its index under the name "Closed shop," although both union shop and closed shop are briefly mentioned in the text, pages 355–356. Certain it is that, as he develops the history of trade unionism, neither the union shop nor the closed shop were common in the early period of the formation of our great unions. But as of the middle 30's, he finds that the union shop is "the commonest arrangement between organized employers and employees." After a paragraph devoted to "union shop" and another paragraph devoted to "nonunion shop," Ware continues:

While the above two types of shops are common, there are other types which involve a large measure of coercion. The latter have grown out of special conditions and both employers and employees would argue in their cases that these conditions justify the element of coercion involved. If there is any culpability to be attached to coercion found here, it falls alike on the employers and the employees.

The antiunion shop, commonly called the open shop, is a shop operating on the principle of nonunion recognition and enforcing that condition by coercion and discrimination. When it is called the American plan it adds to coercion an element of hypocrisy and jingoism. Trade unionism is as American as is free enterprise and grew up along with it shortly after the American Revolution.

The union shop and closed union creates a monopoly of the labor supply under a union agreement by refusing to take new members into the union or by limiting the membership to the children of union members, and in modified form by restrictions on the membership through excessively high dues, apprenticeship regulations, etc. These practices may or may not be harmful (pp. 355–356).

At the turn of the century, however, and with the impetus given by the decision of the highest court of the State of New York in *National Protective Association of Steamfitters and Helpers* v. *Cumming* (170 N.Y. 315), decided in 1902, compulsory unionism made itself more and more felt. The reasoning of the court in the Cumming case was squarely based upon an amoral principle of utterly free and untrammeled competition. Some quotations from the decision will establish this:

The court recognized "the right of one man to refuse to work for another on any ground that he may regard as sufficient, and the employer has no right to demand a reason for it. But there is * * * no legal objection to the employee's giving a reason, if he has one, and the fact that the reason given is that he refuses to work with another who is not a member of his organization, whether stated to his employer or not, does not affect his right to stop work nor does it give a cause of action to the workman to whom he objects because the employer sees fit to discharge the man objected to rather than lose the services of the objector."

The same rule applies to a body of men who, having organized for purposes deemed beneficial to themselves, refuse to work. Their reasons may seem inadequate to others, but if it seems to be in their interest as members of an organization to refuse longer to work, it is their legal right to stop. The reason may no more be demanded, as a right, of the organization than of an individual.

It seems to me illogical and a little short of absurd to say that the everyday acts of the business world, apparently within the domain of competition, may be either lawful or unlawful according to the motive of the actor. If the motive be good, the act is lawful; if it be bad, the act is unlawful. Within all the authorities upholding the principle of competition, if the motive be to destroy another's business in order to secure business for yourself, the motive is good; but according to a few recent authorities, if you do not need the business, or do not wish it, then the motive is bad.

Those principles concede the right of an association to strike in order to benefit its members; and one method of benefiting them is to secure them employment, a method conceded to be within the right of an organization to employ. There is no pretense that the defendant associations or their walking delegates had any other motive than one which the law justifies of attempting to benefit their members by securing their employment * * * the motive which always underlies competition is asserted to have been the animating one. It is beyond the right and power of this Court to import into that finding, in contradiction of another finding or otherwise, the further finding that the motive which prompted the conduct of the defendants was an unlawful one, prompted by malice and the desire to do injury to the plaintiffs without benefiting members of the defendant associations.

The defendant associations * * * wanted to put their men in the place of certain men at work who were nonmembers working for smaller pay, and they set about doing it in a perfectly lawful way. They determined that if it were necessary they would bear the burden and expense of a strike to accomplish that result, and in so determining they were clearly within their rights * * *. They could have gone upon a strike without offering any explanation until the contractors should have come in distress to the officers of the associations asking for the reason for the strike.

Having the right to insist that plaintiff's men be discharged and defendant's men put in their place if the services of the other members of the association were to be retained, they also had the right to threaten that none of their men would stay unless their members could have all the work there was to do.

A man has the right under the law to start a store and to sell at such reduced prices that he is able in a short time to drive the other storekeepers in his vicinity out of business, when, having possession of the trade, he finds himself soon able to recover the loss sustained by ruining the others. Such has been the law for centuries. The reason, of course, is that the doctrine has generally been accepted that free competition is worth more to society than it costs and that, on this ground, the infliction of damages is privileged.

A labor organization is endowed with precisely the same legal right as an individual to threaten to do that which it may lawfully do.

In 1939–40, closed shop agreements were much more prevalent in the United States than in England or Sweden. But even then, only about 3 million organized employees in the United States were working under closed shop conditions—Lester, "Economics of Labor," page 619.

In January 1944, closed shop agreements covered almost 30 percent of all American workers under labor agreements, and union shop agreements almost 20 percent; or, together, a total of 6.5 million workers out of 52.6 persons comprising the whole U.S. labor force—in October 1943. See "Yearbook of American Labor," volume I, page 114.

In 1945, there were 29 million workers in the United States who were eligible for membership in the then existing unions. Less than 50 percent of these were covered by labor agreements. About 15 percent were under closed shop agreements and about 7 or 8 percent under union shop agreements.

Only as late as January 10, 1951, were closed and union shops permitted under the Railway Labor Act. Prior to that time, union shop and closed shop agreements had been prohibited by that statute. Thus, it can be said that all of our railroads and our air carriers were unionized without the aid of any form of compulsory unionization. See "Report to the President by the Emergency Board" appointed by Executive Order 10306 dated November 15, 1951, pursuant

to section 10 of the Railway Labor Act, as amended, passim.

In their formative days American unions lacked the leverage that came from any significant use of discharge of employees solely because of nonmembership in a labor organization. Rather generally and until very recently, unions lacked the help that would have come to them from any compulsion exercised upon workers to join or to contribute to the support of labor unions. In the main, they grew strong only by application of principles of free association.

LEGISLATIVE HISTORY

The first important statutory recognition of the right of employees under Federal law to organize and to bargain collectively through representatives of their own choosing came from the Railway Labor Act passed by Congress in 1926. As indicated above, this act specifically banned the closed and union shop.

Section 2, paragraph fourth, of the Railway Labor Act reads:

Employees shall have the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this act. No carrier, its officers or agents shall deny or in any way question the right of its employees to join, organize, or assist in organizing the labor organization of their choice, and it shall be unlawful for any carrier to interfere in any way with the organization of its employees.

In this language was set forth the basic legal principles of labor relations pertaining to railway, airline, and interstate motor carrier industrial relations.

In 1932, Congress passed the Federal Anti-Injunction Act, otherwise known as the Norris-La Guardia Act. This act somewhat sterilely recognized the right now protected by the right-to-work laws as appears from the following quotation:

In the interpretation of this act and in determining the jurisdiction and authority of the courts of the United States, as such jurisdiction and authority are herein defined and limited, the public policy of the United States is hereby declared as follows:

"Whereas under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment, wherefore, though he should be free to decline to associate with his fellow, it is necessary that he have full freedom of association, self-organization and designation of representatives of his own choosing."

It should be apparent from the foregoing quotation that this basic piece of labor legislation was built upon the assumption that American workers, as indeed all American citizens and all friendly aliens subject to the U.S. Constitution, enjoyed the right of free association—a right which underlies the whole American legal and moral theory and practice of unionism. Indeed, this right of free association is a natural-law right. It is not a gift of the Government or State. It is an endowment of that nature which men, as persons, receive from God. It is one of the unalienable rights under the Declaration of Independence. Up to this margin of our problem, and no further, the natural law lends the light of its basic principles. Beyond that are fallible applications or "determinations" as St. Thomas Aquinas called them—but not certain principles.

The national labor relations law of 1935, also frequently called the Wagner Act, was built around the following statutory principle:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment.

This central principle of free choice given to workers was accompanied by an antimony which approved compulsory unionism. Thus, at the heart of the Wagner Act, there was inserted a basic contradiction between free choice and compulsory unionism.

This contradiction persisted without mitigation until the Taft-Hartley Act modified section 7 of the old National Labor Relations Act. To the central principle just quoted there was added the clause that employees "shall also have the right to refrain from any and all such activities." The closed shop was abolished by the Taft-Hartley Act. But in other respects the old contradiction remains. Although our national labor relations law as amended recognizes the right of employees to engage in union activity and to refrain from such activity, it does not protect that right wherever management and labor within the jurisdiction of the National Labor Relations Board include a union shop provision in their labor contract. The Taft-Hartley Act outlawed the closed shop by section 8(a)(3) of the Labor-Management Relations Act of 1947. While the Federal labor relations law forbids an employer from interfering with the exercise by his employees of the right of free association and bans employer contributions to or support of any labor organization and prohibits discrimination because of union affiliation; nevertheless, under a union shop agreement, the employer may lawfully discriminate against an AFL–CIO member where the collective bargaining agent is a Teamster union and vice versa. If, by agreement between the employer and the union enjoying majority status, a worker is required to join a labor organization against his will, it would seem obvious that his right of free association is actually interfered with or limited. It is hard to imagine a more influential support of a particular union than that which is afforded by a union shop agreement. It is the whole point and purpose of a union shop agreement to require an employer, under the penalty of contract violation, to discriminate on the basis of union activity or affiliation.

Nevertheless, the Taft-Hartley Act, by one provision, did specifically enable States to supply protection for the right of free association which the Federal labor relations law merely recognizes but does not enforce. Section 14(b) of the National Labor Relations Act reads as follows:

Nothing in this act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or territorial law.

In other language, Congress left it up to the States to decide whether, as a matter of State policy under the American Constitution, union shops or closed shops were to be tolerated. Thus, Congress itself opened the door to right-to-work statutes as it had a clear right to do under the Constitution. Under section 14(b), nothing contained in the Federal law could contradict the right of the States not only to recognize free association but to protect and enforce it. Without violating the supremacy clause—article VI—of the U.S. Constitution, which prescribes that laws made pursuant to the Constitution shall be the supreme law of the land, States may guarantee to employees the right to decline to associate as well as to associate; and the States may implement that right effectively. In effect, therefore, Congress left it up to the States to correct in this respect the obvious inconsistency of the national labor relations law, as amended. Only when the correction applied by a right-to-work law is effective can it be said that employees are secured in their right freely to associate or freely to decline to associate. What Congress merely recognized as a right but did not enforce, the States are permitted to enforce.

This is not to say that all of the right-to-work laws came into existence after Congress had opened the door by enacting section 14(b) of the Federal Labor Relations Act. Some of the right-to-work laws antedated that act.

Florence Peterson in her "Survey of Labor Economics," copyrighted in 1947, criticized the right-to-work laws as follows:

Such blanket restrictions for workers engaged in interstate industries are contrary to the National Labor Relations Act and the Anti-Injunction Act as they read in 1946.

Opponents of such legislation also maintain that the restrictions are unconstitutional because they violate the guarantees of free speech and union property rights inherent in contracts with employees. Its proponents, while admitting that it nullifies certain provisions in existing Federal labor laws, hold that it conforms to the best traditions of our Constitution and Bill of Rights because it affords protection against union coercion and intimidation (pp. 635–636).

Of course, Miss Peterson could not at that time foresee that Congress itself, by the Taft-Hartley Act, would eliminate the very possibility of contradiction by expressly permitting State right-to-work laws. But she was in error even about the Wagner Act and congressional legislative intent under that act, as appears below.

WHY DID CONGRESS SPECIFICALLY AUTHORIZE THE STATE RIGHT-TO-WORK LAWS?

The best answer to this question is supplied by the House Conference Report

No. 510 on H.R. 3020 of the 80th Congress:

Under the House bill there was included a new section 13 of the National Labor Relations Act to assure that nothing in the act was to be construed as authorizing any closed shop, union shop, maintenance of membership, or other form of compulsory unionism agreement in any State where the execution of such agreement would be contrary to State law. Many States have enacted laws or adopted constitutional provisions to make all forms of compulsory unionism in those States illegal. It was never the intention of the National Labor Relations Act, as is disclosed by the legislative history of that act, to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. Neither the so-called closed shop proviso in section 8(3) of the existing act nor the union shop and the maintenance of membership proviso in section 8(a)(3) of the conference agreement could be said to authorize arrangements of this sort in States where such arrangements were contrary to the State policy. To make certain that there should be no question about this, section 13 was included in the House bill. The conference agreement, in section 14(b), contains a provision having the same effect (p. 60).

As of the time when the House Committee Report No. 245 on H.R. 3020 was filed, at least 12 States—Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Louisiana, Minnesota, Nebraska, North Dakota, South Dakota, and Tennessee—had laws forbidding compulsory unionism—see that report, page 34.

For this reason the House bill not only abolished the closed shop but declared:

The subject of compulsory unionism, one that the States may regulate concurrently with the United States, notwithstanding that the agreements affect commerce and notwithstanding that the State laws limit compulsory unionism more drastically than does Federal law. The demand for legislation of this kind is widespread and pressing (p. 34).

The same House Report No. 245 contains a further explanation:

Since by the Labor Act, Congress preempts the field that the act covers insofar as commerce within the meaning of the act is concerned, and since when this report is written the courts have not finally ruled upon the effect upon employees of employers engaged in commerce of State laws dealing with compulsory unionism, the committee has provided expressly in section 13 that laws and constitutional provisions of any State that restrict the right of employers to require employees to become or remain members of labor organizations are valid, notwithstanding any provision of the National Labor Relations Act. In reporting the bill that became the National Labor Relations Act, the Senate committee to which the bill had been referred declared that the act would not invalidate any State law or constitutional provision. The new section 13 is consistent with this view (p. 44).

The Senate committee in its report—No. 105 on S. 1126—was even more specific as to the reasons which motivated the Senators in permitting State right-to-work laws even though they could be construed as inconsistent with the Federal National Labor Relations Act:

A controversial issue to which the committee has devoted the most mature deliberation has been the problem posed by compulsory union membership. It should be noted that when the railway workers were given the protection of the Railway Labor Act, Congress thought that the provisions which prevented discrimination against union membership and provided for the certification of bargaining representatives obviated the justification for closed shop or union shop arrangements. That statute specifically forbids any kind of compulsory unionism.

The argument has often been advanced that Congress is inconsistent in not applying this same principle to the National Labor Relations Act. Under that statute a proviso to section 8(3) permits voluntary agreements for compulsory union membership provided they are made with an unassisted labor organization representing a majority of the employees at the time the contract is made. When the committee of the Congress in 1935 reported the bill which became the present National Labor Relations Act, they made clear that the proviso in section 8(3) was not intended to override State laws regulating the closed shop. The Senate committee stated that "the bill does nothing to facilitate closed shop agreements or to make them legal in any State where they may be illegal" * * * Until the beginning of the war only a relatively small minority of employees (less than 20 percent) were affected by contracts containing any compulsory features. According to the Secretary of Labor, however, within the last 5 years over 75 percent now contain some form of compulsion. But with this trend, abuses of compulsory membership have become so numerous there has been great public feeling against such arrangements. This has been reflected by the fact that in 12 States such agreements have been made illegal either by legislative act or constitutional amendment, and in 14 other States proposals for abolishing such contracts are now pending. Although these regulatory measures have not received authoritative interpretation by the Supreme Court (see *A.F. of L.* v. *Watson*, 327 U.S. 582), it is obvious that they pose important questions of accommodating Federal and State legislation touching labor relations in industries affecting commerce (*Hill* v. *Florida*, 325 U.S. 538; see also *Bethlehem Steel Co.* v. *Labor Board*, decided by the Supreme Court April 7, 1947). In testifying before this committee, however, leaders of organized labor have stressed the fact that in the absence of such provisions many employees sharing the benefits of what unions are able to accomplish by collective bargaining will refuse to pay their share of the cost.

The committee has taken into consideration these arguments in reaching what it considers a solution of the problem which does justice to both points of view. We have felt that on the record before us the abuses of the system have become too serious and numerous to justify permitting present law to remain unchanged. It is clear that the closed shop which requires preexisting union membership as a condition of obtaining employment creates too great a barrier to free employment to be longer tolerated. In the maritime industry and to a large extent in the construction industry union hiring halls now provide the only method of securing employment. This not only permits unions holding such monopolies over jobs to exact excessive fees but it deprives management of any real choice of the men it hires. Extension of this principle to license deck and engine officers has created the greatest problems in connection with the safety of American vessels at sea (see testimony of Almore Roth * * * vol. 2, p. 612).

Numerous examples were presented to the committee of the way union leaders have used closed shop devices as a method of depriving employees of their jobs, and in some cases a means of securing a livelihood in their trade or calling, for purely capricious reasons. In one instance a labor union member was subpenaed to appear in court, having witnessed an assault on his foreman by a fellow employee. Because he told the truth upon the witness stand, the union leadership brought about his expulsion with the consequent loss of his job since his employer was subject to a closed shop contract.

Numerous examples of equally glaring disregard for the rights of minority members of unions are contained in the exhibits received in evidence by the committee (see testimony of Cecil B. de Mille). If trade unions were purely fraternal or social organizations, such instances would not be a matter of congressional concern, but since membership in such organizations in many trades or callings is essential to earning a living, Congress cannot ignore the existence of such power.

Under the amendments which the committee recommends, employers would still be permitted to enter into agreements requiring all the employees in a given bargaining unit to become members 30 days after being hired if a majority of such employees have shown their intent by secret ballot to confer authority to negotiate such an agreement upon their representatives (pp. 4–7).

Mr. President, many instances of oppression and trade union abuse stemming directly from the dictatorial imposition of the closed shop or union shop could be cited.

A glaring example is the manner in which most of the Teamsters unions in New York City coerce workers into their membership and impose their printed and nonbargainable contracts upon employers. There is no such thing as collective bargaining. In most cases there is no such thing as an organizational campaign. The organizational campaign begins with a picket line. It is followed by the use of goon squads. The way to get rid of this annoyance is to sign the printed contract as it is. Obviously, to be required to sign a printed contract, prepared by the union, without being given an opportunity to negotiate any of the terms, is hardly an instance of collective bargaining in good faith. All of these Teamsters contracts contain what amounts to closed shop, or at least union shop provisions.

An example of union dictatorship of this type comes to mind. John McNamara, secretary-treasurer of local No. 808 of the Teamsters in New York City, boasted that in the 15 years during which he held office he had never made use of the services of the National Mediation Board, the National Labor Relations Board, the Federal Mediation and Conciliation Service, or any State labor relations board; had never made use of the services of State mediation boards; and had never gone to arbitration. Employers found it cheaper to sign than to bear the loss of business which picketing effected. And they signed exactly what the union had printed as its current labor agreement.

Under such circumstances, the control which is given to a dictatorily inclined labor leader by a union shop or closed shop is practically unlimited.

In his short but scholarly work entitled "Fundamentals of Labor Economics," Prof. Freidrich Baerwale of Fordham University writes:

Under a closed shop agreement, the employer pledged himself to hire only workers who, prior to the date of being taken on, have been members in good standing of the

union which has concluded the contract. A closed shop clause was usually stated somewhat as follows: "Throughout the term of this contract, the employer agrees to hire only members of the union in good standing." Just what "good standing" meant was defined in the constitution and bylaws of the union in question and was usually forfeited by nonpayment of union dues. Thus, in places where the closed shop clause was rigidly enforced, workers had to be members of the union before they could obtain employment. In such cases, therefore, the first problem before a worker was not to find a job but was to get into the union. In this regard, the matter of initiation fees and residence requirements must be considered.

The levying of initiation fees is not in itself objectionable. Every organization, and particularly a union, must take the necessary measure to assure a constant flow of revenue to cover the expenses of its activities, and initiation fees can supply part of the needed funds. In times of chronic unemployment initiation fees were levied in many unions, not so much for obtaining revenue, as for discouraging new applications and keeping down the number of union members. The prohibitive amount of the initiation fee was interpreted as one way of keeping the supply of labor in balance with the demand. In many cases, however, the fee was used not merely to maintain such balance but to create an artificial scarcity of labor in specialized fields—a condition that was said to be in the interest of the union members who had invested in the union when they joined and were entitled to look forward to returns in the form of high wages brought about by the scarcity of labor.

Experience has shown that the closed shop has a tendency to develop into a closed union; that is, it can easily assume a monopolistic character limiting employment opportunities to insiders while denying them to nonmembers. The actual strength of the tendency varies with business conditions. When unemployment is high, admission policies are more restrictive than in periods of great demand for workers. Under such conditions there is the danger that the labor force will become rigidly divided into those who are employed and those who are unemployed and unable to find work because they have lost their good standing in the union through lapse of dues payment or because they were never able to afford the initiation fee. This tends to keep people jobless if their occupational background limits them to fields covered by closed-shop clauses.

In good times and especially in periods of full employment, the monopolistic character of the closed shop lessens; but this fact does not eliminate the fundamental issue of whether it is desirable to give a private organization—in this case the union—the right to determine who should and who should not be given an opportunity to work in a given field. The argument that such a practice is necessary so as to avoid overcrowding in certain occupations is not valid. That problem is not one to be solved by union procedures; it can be met only by an efficient guidance program, especially for young people, which should be linked to the operations of the public placement services.

Residence requirements have also been used as a restrictive device in union policies. "Foreigners" from other States, or even from cities of the same States, often had to undergo a waiting period before they were allowed to work at their occupations in a new city. In such cases, the union card issued by the union of the former residence was readily transferred and dues payments were received, but still the ban on accepting employment was enforced; the newly arrived members were not considered for placement until after the expiration of the waiting period. These restrictive devices were defended by pointing to overcrowding of occupations; but again, it must be stated that the flow of workers should not be interfered with by union rules. It is the duty of the employment services to publicize unfavorable conditions in the various labor markets and to discourage such migrations of labor which can only lead to new disappointments for those in search of employment opportunities. If the indirect regulation of the labor market is left to unions, they are placed in the position to exercise a power over individuals which is not inherent in the purposes of labor organizations.

* * * A sample study made by the National Industrial Conference Board in 1939 indicates that the closed shop can eliminate a certain amount of friction in industrial relations. It was pointed out that such an agreement "improves discipline" and "ends the frequent demands by the union for concessions for the sole purpose of holding membership."

These advantages, however, cannot outweigh the disadvantages implied in the closed shop type of union agreement. Through a closed shop clause the union assumes the position whereby it can determine the hiring of workers to a very large extent. If additional workers are needed in a closed shop, the employer must turn to the union which will "present" some of its members for his consideration. It is true that the employer is not bound by the closed shop provision to hire anybody just because he is a member of the union and has been presented. He retains his right to reject obviously incompetent or unsuitable workers. On the other hand, the requirement that he hire only union members limits his selection just as it narrows the opportunity of employment in closed shop fields for workers who are not members of the union and who fail to obtain admission to it.

The closed shop clause gave a maximum of security to the union but it had such far-reaching effects on the whole question of fair distribution of opportunities of employment that, in this writer's opinion, a reintroduction of such a pattern of union agreements would seriously impair the workers' liberty of choice and freedom of movement. The closed shop is typical of labor organizations in a totalitarian system; a wide acceptance of it in a democratic society would create grave inconsistencies. Besides, the legitimate ends of unionism can be served without recourse to such restrictive policies and clauses. * * * (pp. 394–397).

In the case of *Lauf* v. *E. G. Shinner & Co., Inc.*, 303 U.S. 323, the district court had found the following facts, according to the opinion of the Supreme Court of the United States: E. G. Shinner & Co., Inc. operated five meat markets in Milwaukee, Wis. It employed about 35 employees; none of them was a member of the union involved. That union demanded that the employer require its employees, as a condition of continued employment, to become members. The employer notified the 35 employees that they were free to do this; but they refused to join the union. I quote from the Supreme Court's decision:

For the purpose of coercing the respondent (employer) to require its employees to join the union and to accept it as their bargaining agent and representative, as a condition of continued employment, and for the purpose of injuring and destroying the business if the respondent refused to yield to such coercion, the petitioners (the Union) conspired to do the following things and did them: They caused false and misleading signs to be placed before the respondent's markets; caused persons who were not respondent's employees to parade and picket before the market; falsely accused respondent of being unfair to organized labor in its dealings with employees and, by molestation, annoyance, threats, and intimidation, prevented patrons and prospective patrons of respondent from patronizing its markets; respondent suffered and will suffer irreparable injury from the continuance of the practices, and customers will be intimidated and restrained from patronizing the stores as a consequence of petitioners' acts. * * *

Upon the foregoing facts, the district court issued an injunction enjoining the union from seeking to coerce the employer to discharge its employees for refusal to join the union or to coerce the employer to compel the employees to become members of the union. Without considering the merits of the dispute, the Supreme Court found that the controversy between the union and the employer in this case constituted a "labor dispute" within the meaning of the Norris-La Guardia Act. For that nominalistic reason alone, the Supreme Court of the United States found that the district court has committed error in issuing an injunction against the union. For all practical purposes, the Norris-La Guardia Act prevents courts from issuing injunctions in "labor disputes." Thus, everything depends upon the definition of the term "labor dispute." The Court merely satisfies itself that there exists a "labor dispute," without going into the merits of the so-called dispute, and, having found that a "labor dispute" exists, it concludes that no injunction ought to issue. The test is not justice but nomenclature.

In a dissenting opinion, Mr. Justice Butler wrote:

The decision just announced ignores the declared policy of Congress that the worker should be free to decline association with his fellows, and that he should have full freedom in that respect and in the designation of representatives, and especially that he should be free from the interference, restrains, or coercion of employers. To say that a "labor dispute" is created by the mere refusal of respondent to comply with the demand that it compel its employees to designate the union as their representative unmistakably subverts this policy and consequently puts a construction upon the words contrary to the manifest congressional intent * * *.

In this case, there was no interchange or consideration of conflicting views in respect of the settlement of a controversial problem. There was simply an overbearing demand by the union that respondents do an unlawful thing and a natural refusal on its part to comply. If a demand by a labor union that an employer compel its employees to submit to the will of the union, and the employer's refusal, constitute a labor controversy, the highwayman's demand for the money of his victim and the latter's refusal to stand and deliver constitute a financial controversy.

Clearly the union could not be authorized by statute to resort to coercive measures directly against the employees to compel submission to its wishes, for that would be to give one group of workmen autocratic power to control in respect of the liberties of another group, in contravention of the fifth amendment as well as of the policy of Congress expressly declared in this act. And that being true, the attempt to coerce submission through constrained interference of the employer was equally unlawful.

There can be no dispute without disputants, between whom was there a dispute

here? There was none between the union and respondent's employees; for the latter were considered by the union mere pawns to be moved according to the arbitrary will of the union. There was none between respondent and its employees; they were in full accord. And finally there was none between the union and respondent; for it would be utterly unreasonable to suppose Congress intended that the refusal of a conscientious employer to transgress the express policy of the law should constitute a "labor dispute" having the effect of bringing to nought not only the policy of the law, but the obligation of a court of equity to respect it and to restrain a continuing and destructive assault upon the property rights of the employer, as to which no adequate remedy at law existed * * *.

One could go on citing case after case similar to the instances already enumerated. All of them highlight reasons why State legislatures reasonably and with unimpeachable morality banned compulsory unionism and established right-to-work statutes.

Perhaps nowhere can a more succinct and accurate statement of union leader attitude in opposition to right-to-work laws be found than in the summary of the union briefs before the Supreme Court of the United States in two cases treated as one, *Lincoln Federal Labor Union* v. *Northwestern Iron & Metal Co., Whitaker et al.* v. *State of North Carolina* (335 U.S. 525). What was involved in those cases was the constitutionality of the North Carolina right-to-work statute and the Nebraska constitutional amendment providing that no person shall be deprived of an opportunity to obtain or retain employment because he is or is not a member of a labor organization. This case was decided in 1949 and it constitutes the leading precedent from the highest Court in the land sustaining the constitutionality of right-to-work laws. The following quotations and comments will not only elucidate the rejected union philosophy, but the saneness and justice which bulwarks the constitutional defense of right-to-work laws:

It is contended that these State laws abridge the freedom and speech and the opportunities of unions and their members "peacably to assemble and to petition the government for a redress of grievances."

It is difficult to see how enforcement of this State policy could infringe the freedom of speech of anyone, or deny to anyone the right to assemble or to petition for a redress of grievances. The appellants (the unions) do not contend that the laws expressly forbid the full exercise of those rights by unions or union members. Their contention is that these State laws indirectly infringe their constitutional rights of speech, assembly, and petition. While the basis of this contention is not entirely clear, it seems to rest on this line of reasoning: The right of unions and union members to demand that no nonunion members work along with union members is "indispensable to the right of self-organization and the association of workers into unions"; without a right of union members to refuse to work with nonunion members, there are "no means of eliminating the competition of the nonunion worker"; since, the reasoning continues, a "closed shop is indispensable to achievement of sufficient union membership to put unions and employers on full equality for collective bargaining, a closed shop is consequently an indispensable concomitant" of the "right of employees to assemble into and associate together through labor organizations * * *."

Justification for such an expensive construction of the right to speak, assemble, and petition is then vested in part on appellants' assertion "that the right of a nonunionist to work is in no way equivalent to or the parallel of the right to work as a union member; that there exists no constitutional right to work as a nonunionist on the one hand while the right to maintain employment free from discrimination because of union membership is constitutionally protected."

There we have it. The union argument and brief actually went to the length of contending that "the right of a nonunionist to work is in no way equivalent to or the parallel of the right to work as a union member." According to this strange argument, the Constitution sets up two classes of citizenship. The full constitutional prerogatives and immunities go to union members. Lesser rights and prerogatives—how much less is left to conjecture—accrue to nonunion members. A nonunionist simply does not have "a constitutional right to work". Only the unionist is constitutionally guaranteed against discrimination. This self-contradictory philosophy attaches to the Constitution a gross and intolerable discrimination in an effort to fight antiunion discrimination. It brazenly contends, without the slightest warrant from the Constitution, the Supreme Court cases or constitutional history, that it is sound constitutional law to read into the Constitution a discrimination against nontrade unionists in favor of trade unionists.

No more stupid or impertinent argument was ever presented to the Supreme Court of the United States. Trade unions in this way claim a preeminent position in the pluralism which characterizes the United States.

Every other private group depends for the purpose of soliciting its members upon a principle of freed and uncoerced association, its own appeal to reason, its basic constitution and by-laws and upon similar methods of persuasion. A parish, a church, a grange, a civic society, a social club, a benevolent order—all of these would spurn the idea that coercion for the purpose of forcing outsiders to join their grouping is "indispensable to the right of self-organization and the right of association" into their particular group. Pluralism is by its very nature competitive. But it would be a sad day for this country if the Knights of Columbus, for example, were persuaded to resort to coercive methods for forcing membership upon outsiders for no better reason than that competition between Knights and non-Knights is keen. Neither in reason nor in good politics nor in any defensible jurisprudence would it be proper to yield to any private group, whether union or nonunion, the type of preeminence actually claimed by labor unions before the Supreme Court of the United States. This bizarre primacy, which the unions seriously claimed in the Lincoln Federal Labor Union case, they continue to claim implicitly in most of their arguments again right-to-work laws. They claim special privilege which they would be the first to resent in other private, nongovernmental groups. After all, they did try to put their best foot forward when they conducted their appeals to the U.S. Supreme Court. They would have liked nothing better than to be able to strike down right-to-work laws as unconstitutional. Time and again they have sought to persuade courts to hold such laws as violative of basic law. The courts have rejected these union attempts at claiming special privilege. The Supreme Court has, in a well reasoned opinion, put to final rest a series of querulous constitutional objections.

WHAT THE SUPREME COURT HAS SAID IN DEFENSE OF RIGHT-TO-WORK LAWS

In the Lincoln Federal Labor Union case (supra), Mr. Justice Black wrote for a unanimous court:

Under employment practices in the United States, employers have sometimes limited work opportunities to members of unions, sometimes to nonunion members, and at other times have employed and kept their workers without regard to whether they were or were not members of a union. Employers are commanded to follow this latter employment practice in the States of North Carolina and Nebraska. A North Carolina statute and a Nebraska constitutional amendment provide that no person in those States shall be denied an opportunity to obtain or retain employment because he is or is not a member of a labor organization. To enforce this policy North Carolina and Nebraska employers are also forbidden to enter into contracts or agreements obligating themselves to exclude persons from employment because they are or are not labor union members * * *.

Here is a simple and lucid statement of the issue as it was presented to the Supreme Court of the United States. Having thus formulated the question before it, the Court went on to state and often quote the basic union contentions to the effect that the Nebraska and North Carolina right-to-work statutes were constitutionally invalid. Then the Court wrote:

We deem it unnecessary to elaborate the numerous reasons for our rejection of this contention of * * * (the unions). Nor need we appraise or analyze with particularity the rather startling ideas suggested to support some of the premises on which Appellants' (the unions') conclusions rest. There cannot be wrung from a constitutional right of workers to assemble to discuss improvement of their own working standards, a further constitutional right to drive from remunerative employment all other persons who will not or cannot participate in union assemblies. * * *

In the Oregon School case—*Pierce* v. *Society of Sisters* (268 U.S. 510), the Supreme Court of the United States refused to drive private or parochial schools from the American scene simply because a group of State legislators dislike the competition between public and private schools. But in the Oregon School case, it was not a private group which had decreed the extinction of parochial schools. It was a State legislature. But the Supreme Court vetoed the decree. In the Lincoln Federal Labor Union case, private groups—unions—were actually presenting the startling idea that they could drive from remunerative employment all other persons whom they regarded as competitors. It scarcely requires more than a rudimentary grip on sound political theory or on presentable moralizing to justify the conclusion that, even if the U.S. Constitution permitted private groups to drive from remunerative employment all other persons who will not or cannot participate in them, it would be intolerable and immoral to do so.

The great French philosopher, Jacques Maritain, has written:

The lesson of * * * experience seems obvious: nothing is more vain than to seek to unite men by a philosophic minimum. However small, however modest, however tentative this may be, it will perpetually give rise to contests and divisions. And this quest of a common denominator in contrasting convictions can develop nothing but intellectual cowardice and mediocrity, a weakening of minds, and a betrayal of the rights of truth.

Hence we must renounce the search for a common profession of faith, whether it be the medieval one of the Apostles' creed, or the natural religion of lightness, or the positive philosophy of Auguste Comte, or that minimum of Kantian morality invoked in France by the first theorists of laicism; we must give up seeking in a common profession of faith the source and principle of unity in the social body. ("True Humanism," pp. 167–168.)

Now, if we cannot by appeal to reason effectuate unity of philosophy or faith, we will be even less successful, by any coercive methods, to unify men in societies like unions. Moreover, if on such important matters as a basic public philosophy or a faith which is necessary for eternal salvation, men cannot be forced into unity by intimidation and threats, it is hardly likely that in the less important, temporal matters with which trade unions and their objectives are concerned, a sound or facile unification will result from compulsory unionism. Unionism is not an end in itself. It is a means to an end. Every means is, per se, subordinated to its end. The ends of trade unionism are morally and metaphysically subordinate to the larger ends of man himself. The union, like the state, is to serve the person. Reverse this formula and you have tyranny.

Now one of the ends of the human person is liberty and free association which exemplifies sound liberty.

All exterior regulation is vain if its aim is not to develop the sense of a person's own creative responsibility, and his sense of communion. To feel responsible for one's brothers does not diminish our freedom but weights it with a deeper responsibility. (Maritain, ibid., p. 176.)

For man has two ultimate ends, and one is obviously subalternated to the other. Man has an absolute ultimate end which is the transcendent eternal common good, namely, God Himself. And man has a terrestrial common good which is also ultimate in its particular order. For neither of these two ends is trade unionism an indispensable means. Neither the Gospels nor the Epistles mentioned unions in a day when workers were enslaved and oppressed. Unions are indeed a useful means in the terrestrial order of our time. They may be "morally necessary" in many situations today. But there have been and are instances of just and fair treatment of employees by employers without the intervention of unions. Unions do not have a monopoly of justice, good will, or social charity.

It may also be true that unions have necessary ends. But we should never forget what St. Thomas Aquinas wrote in his discussion of truth in the 13th century:

No matter how necessary the end is, unless the means has a necessary relationship to the end so that without it the end cannot exist, there will be no necessity arising from the end in the means; just as, even though the principles may be true, if the conclusion is false because of the lack of a necessary relationship, no necessity on the part of the conclusion follows from the necessity of the principles. ("Truth," question XXIII, art. 4, id. 11.)

Even if the closed shop were "indispensable to the right of self-organization and the association of workers into unions" (and it certainly is not indispensable in this sense as a matter of history or theory), the moral, legal, or political invalidity of the right-to-work laws would not thereby have been demonstrated. The unions themselves and their best objectives are not indispensable. The world had existed for many centuries before unionism came on the scene. The Bible never mentioned trade unionism. If unions were indispensable for terrestrial or spiritual salvation, they certainly would have been presaged or indicated. If trade unions themselves and their finest ends are not indispensable, history proves, with even less hesitation, that the closed shop, the union shop and other forms of compulsory unionism are not indispensable means to trade unionism. Trade unionism developed and grew strong without compulsory unionism. The great unions of France, Germany, Sweden, Italy, and England developed and grew strong without the help of compulsory unionism. Indeed, compulsory unionism came upon the European labor scene comparatively recently. Up to World War II, less than 20 percent of the unionized employees were covered by union security clauses exemplifying compulsory unionism.

Let me continue my discussion of the Lincoln Federal Labor Union case:

The constitutional right of workers to assemble, to discuss and formulate plans for furthering their own self-interest in jobs cannot be construed as a constitutional guarantee that none shall agree to abide by the assembly's plans. For where conduct affects the interests of other individuals and the general public, the legality of that conduct must be measured by whether the conduct conforms to valid law, even though the conduct is engaged in pursuant to plans of an assembly.

After all, the very union workers who insist that others join their union under the duress of some form of closed shop or union shop themselves exemplify free choice in what they want to do. Presumably they have without compulsion joined the particular union they like. Now they deny a similar right to others. They say to others, in effect: "Either join my union or lose your job." Thus there is established a dual standard of privilege and freedom. It is bad enough to say: "I will not work with you because you are a Catholic or a Protestant, or a Jew." Such intolerance is rather universally condemned today. Indeed, it is actually forbidden by law in many cases. Yet in many States it is still permissible to say: "I will not work with you because you do not belong to my union. Therefore you cannot work here." Mind you, the person thus addressed might belong to a different union which he likes better. But by compulsory unionism we encourage and proliferate the very type of intolerance and provincialism which are, in all other cases, universally condemned.

The Supreme Court of the United States was not misled by the spurious arguments against the right-to-work laws. The right-to-work laws do not deny to workers the right to assemble or to discuss and to formulate plans for furthering their own self-interest in jobs. What is involved is the right of free assemby and the right of free discussion and formulation. To permit regimentation in these matters is to fertilize the seed-bed of totalitarianism and one-party systems.

In any case, the right-to-work laws, far from conflicting with the first amendment, recognize and protect rather obvious corollaries of the first amendment. The Constitution in this respect applies to all of us and not just to trade union members. All of us are free to join private groups; not just union members. Free association does not apply only to those who voluntarily join unions. It does not suddenly fail for those who join a lawful union which is not popular with the majority of a particular plant.

Yet, by compulsory unionism, the unions have tried to set up a "constitutional guarantee that none shall get and hold jobs except those who will join" unions or concertedly advance their plans. In effect, this puts trade unions in the position of State legislatures to decide whether work shall be available to particular persons. Only very rarely in the history of this country have State legislatures denied access to employment or have they regulated access to employment narrowly. Yet the advocates of compulsory unionism would permit trade unions, as private groups, to do what State legislatures have rarely done; and then only under the most drastic provocation. For example, the Waterfront Commission Compact of New York and New Jersey bans certain types of employment and strictly regulates other types. There is a serious question as to whether such regulation is wise or even constitutional—despite the Linehan case. It seems like a roundabout way to try to correct trade union graft and corruption and nefarious employer bribing by limiting access to waterfront employment. The politicians who engineered this type of law and fallen down for years on the job of enforcing obvious and long-neglected criminal statutes. Then, they created a vast bureaucracy—and saddled upon the steamship companies the expense of financing it—to cope with a problem they had not the courage to settle for years before.

In any case, the legality of union conduct, just as individual conduct, must be measured by whether that conduct conforms with valid law. The Supreme Court of the United States has held that right-to-work laws are valid. No convincing argument from partisan moralists or clerygmen unversed in constitutional law has been able to demonstrate

that such laws are constitutionally invalid.

It is contended that the North Carolina and Nebraska laws deny unions and their members equal protection of the laws and thus offend the equal protection clause of the 14th amendment. Because the outlawed contracts are a useful incentive to the growth of union membership, it is said that these laws weaken the bargaining power of unions and correspondingly strengthen the power of employers. This may be true. But there are other matters to be considered. The State laws also make it impossible for an employer to make contracts with company unions which obligate the employer to refuse jobs to union members. In this respect the State laws protect the employment opportunities of members of independent unions. * * * This circumstance alone, without regard to others that need not be mentioned, is sufficient to support the State laws against the charge that they deny equal protection to unions as against employer and nonunions.

It seems ironic that in attacking the right-to-work laws and in defending compulsory unionism the labor union attorneys should invoke the equal protection clause of the 14th amendment. Their whole case was a case for unequal protection. They wanted to make sure that only unionists of their persuasion were protected in the plants of this country. They actually and furiously argued that alongside of trade unionists nonunion members had fewer constitutional protections. It is hard to imagine a more shoddy argument.

It is contended that these State laws deprive appellants of their liberty without due process of law in violation of the 14th amendment. Appellants argue that the laws are specifically designed to deprive all persons within the two States of "liberty" * * * to refuse to hire or retain any person in employment because he is or is not a union member * * *.

There was a period in which labor union members who wanted to get and hold jobs were the victims of widespread employer discrimination practices. Contracts between employers and their employees were used by employers to accomplish this antiunion employment discrimination. Before hiring workers, employers required them to sign agreements stating that the workers were not and would not become labor union members. Such antiunion practices were so obnoxious to workers that they gave these required agreements the name of "yellow dog contracts." This hostility of workers also prompted passage of State and Federal laws to ban employer discrimination against union members and to outlaw yellow dog contracts.

In this respect, the unions have come full circle. They opposed yellow dog contracts on the ground that such contracts interfered with freedom of choice there can be no doubt that, on the average, yellow dog contracts did do just that. For that reason I think they constituted an average evil and were, therefore, properly banned by State statute. But why were they properly banned? Because they constituted practical and average violations of the basic principle of free association. This principle traces to one of the objectives of the human person, one of his actual personal ends as a being created by God and endowed with free will. This principle is one of the secondary principles of the natural law. Only in the light of this principle were yellow dog contracts, on an average, evil.

This is not to say that every yellow dog contract, any more than the closed shop, was per se a violation of the natural law. It was not. There were undoubtedly instances where all of the employees who signed yellow dog contracts signed them voluntarily because they were themselves quite unwilling to join a labor union. They were exercising their own free choice. Maybe they were not always exercising their free choice wisely. But if they exercised their free choice according to their rights and in pursuance of the dictates of their consciences, they did all that could be expected of them in the circumstances. Certainly it would be a bad theory of jurisprudence to suppose that every error or every exercise of bad judgment should be banned by law or by compulsive tactics. St. Thomas properly condemned the idea that it is the function of law to repress all vices.

I do not think it is possible to argue that the closed shop or the union shop is per se evil as a violation of the right of free association or of the natural law. It is conceivable and indeed likely that in some instances all of the workers in a given plant covered by a closed shop or union shop agreement are thoroughly in favor of the particular union and want no other. This, however, does not mean that Congress or State legislatures could not regard the closed shop or the union shop or any other form of compulsory unionism as average evils and as to close to abuses in all of the complex and myriad circumstances of the labor scene today.

Nor does it mean that when a legislature bans compulsory unionism it must do so only on the basis of a thorough refutation of every single argument against such a ban. No laws are passed on that basis. In many cases, such a thorough refutation is impossible. That is the precise meaning, function, and role of legislative authority. Legislative authority is rarely necessary for the purpose of persuading people that murder, for example, is wrong. Among right-minded people, that is to say excluding fools and rogues, one does not have to present the arguments against murder. We take them as self-evident.

All laws are means to ends. They are not ends in themselves. Human beings are by nature fallible in the selection of means, as St. Thomas Aquinas frequently stated in his tractate on prudence in the "Summa Theologica." No legislature pretends that it is infallible in prescribing its particular statute as a means to attain a particular end as to which all are virtually in agreement. No legislation would be sound if it were not dedicated to the establishment of some good end. Usually, our differences concern means, not ends. In a pluralist society like ours, we often need group action. We cannot hope to achieve unanimity in political action. For that very reason we need and inevitably have pluralism. We need the diversities that are created by arguments and counterarguments. Finally, we must make a decision based not on unanimity nor on the veto principle—such as we have in the United Nations—but on a free choice by persons who have a basically common public philosophy.

As Yves Simon states in his "Philosophy of Democratic Government":

Even in the smallest and most closely united community, unity of action cannot be taken for granted; it has to be caused, and, if it is to be steady, it has to be assured by a steady cause * * *

Now unity of action depends upon unity of judgment, and unity of judgment can be procured either by way of unanimity or by way of authority; no third possibility is conceivable. Either we all think that we should act in a certain way, or it is understood among us, no matter how diverse our preferences, we shall all assent to one judgment and follow the line of action that it prescribes. Whether this judgment is uttered by a leading person or by the majority or by a majority within a leading minority makes, at this point, little difference. But to submit myself to a judgment which does not, or at least may not, express my view of what should be done is to obey authority.

Now it should be clear that, in this sense, private organizations, like unions, do not have authority for those who are not its members and who freely decide against joining them. It should also be clear that no one in his right mind should expect all persons to agree with labor unions or their leadership. Indeed, labor unions and labor leaders cannot be depended on to agree with one another. One leadership of the same union often differs from the next leadership.

This is not a case of science, where lack of unanimity on well-established scientific principles or applications is, in effect, a scandal and a sign of incompetence. No one occupying the chair of nuclear physics in one of our major universities would be tolerated if he insisted that uranium 235 does not exist or that it has properties of beryllium. Such are not matters about which difference of opinion can be tolerated.

But union affiliation is precisely a matter about which difference of opinion ought to be tolerated in the name of personal and political freedom. Indeed, there have been some unions so Communist dominated that affiliated with them could properly be regarded as a violation of conscience. There have been others so dominated by racketeers and gangsters that affiliation with them is a rather obvious dishonor.

The nature and role of authority in this connection is so important that it deserves further development. I say this because, behind the assumptions which labor union lawyers and others have marshaled against the right-to-work laws, there is the unsound postulate that private groups like unions should have authority to decide who shall work in a given plant and who shall not. Let me quote again some pertinent and thought-provoking passages from Simon's work "The Philosophy of Democratic Government":

Consider a group of persons confronted with the duty of united action for the common good. We assume that they are all virtuous; by their virtues they are properly related to the common good as end. We assume also that they are all enlightened and that no

ignorance or allusion interferes with their ability to determine the proper means. Unanimity cannot be brought about (even in such idealistically postulated circumstances) by demonstration, for the proposition that such a course of action ought to be followed is not demonstrable (in the strictly necessary logical sense). Attempts at its rational establishment, no matter how sound and helpful, will fall short of necessitating the assent of the minds. Let an example be that of a nation threatened in its freedom and existence by an ambitious competitor. A time comes when survival demands war-readiness, and a time comes when fighting alone can preserve the common good. Yet it is never possible to demonstrate that whoever loves the common good must support a policy of war and that whoever opposes such a policy is wrong. Who knows? Decisive factors often are extremely unobvious. * * * The dialog goes on, though the situation imperatively demands that all should contribute full measure of devotion, with all their minds and hearts, to a uniquely determined policy. The question is whether such a disagreement can take place among citizens that are both good and enlightened.

One thing is plain: If unanimity can be achieved in nonfortuitous fashion, it is not by way of necessitating argumentation and rational communication. But the analysis of practical judgment, which rules out rational communication as a steady cause of unanimity in these matters, shows also that a steady cause of unanimity is found in the inclination of the appetite, whenever the means to the common good is uniquely determined. If, and only if, there is only one means to the common good is the proposition enunciating this means the only one that admits of practical truth. It is the only one that conforms to the requirements of a properly disposed appetite, and a properly disposed appetite cannot make any other proposition win assent. The community of the end and the unique determination of the means brings about a situation distinguished by happy simplicity (pp. 26–27).

Now obviously we do not have, with respect to the practical question of particular labor union affiliation, a question of such happy simplicity. The foregoing quotation reminds one of the earlier quotation from St. Thomas Aquinas' "Truth"—"De Veritate." It should be obvious without much reflection upon the real situation—as distinguished from reflection upon abstractions—that trade unions are not the one and only means to the common good. It should be even more apparent that, however necessary one regards trade unions, compulsory unionism is not the one and only means, the indispensable means, for the encouragement and growth of trade unions.

When the means to the common good is uniquely determined, effective community supplies an essential foundation for unanimous consent; unanimity is, then, the only normal situation and, if anything is normal, authority is needed to bring about unified action. Unity of action requires authority insofar as not everything is normal, insofar as wills are weak or perverse and intellects are ignorant or blinded. The function of authority remains substitutional.

But when, on the other hand, there is more than one means of procuring the common good, there is no foundation whatsoever for unanimity. Anyone may disagree without there being anything wrong either with his intentions or with his judgment * * * (in such cases) * * * the common good demands that a problem of united action which cannot be solved by way of unanimity should be solved by way of authority (Simon, pp. 29–30).

There are many ways to terrestrial happiness and satisfaction, to industrial peace and good labor relations. Trade unionism is only one of those ways. Even though it is a major way, it is not even an always sure way. In other words, there is more than one means for approaching the ever elusive common good in this connection. Therefore, people have a natural right to decide freely to join or not to join unions. There may be a body of positive principles and ends which no good citizen, no man of good will, can deny or ignore. Unions are not such. Unions, I repeat, are means.

Thus, under any rational view, the liberty which is protected by the 14th amendment inspirits the right-to-work law. If a man does not have the liberty to decide what private organization he shall join; if he can be deprived of that liberty by the compulsive tactics of trade unions alone or of trade unions and employers in combination; his freedom of conscience is in jeopardy. For if States or private groups can force affiliation with a trade union, they can force affiliation with any other type of organization. In this context, it is laughable to refer to a liberty to refuse to hire or retain any person in employment because he is or is not a union member.

In any case, the liberty of contract principle to which the unions referred in the Lincoln Federal Labor Union case had been rejected time and again by the Supreme Court of the United States before it was resorted to by the unions in that case. Had it not been used by employers to strike down laws fixing minimum wages, maximum hours of employment, as well as laws fixing prices and regulating business activities?

In construing due process—

The Supreme Court has—

returned closer and closer to the earlier constitutional principle that States have power to legislate against what are bound to be injurious practices in their internal commercial and business affairs, so long as their laws do not run afoul of some specific Federal constitutional provision, or of some valid Federal law. * * * Under this constitutional doctrine the due process clause is no longer to be so broadly construed that the Congress and State legislatures are put in a straitjacket when they attempt to suppress business and industrial conditions which they regard as offensive to the public welfare.

Appellants (the trade unions attacking the right-to-work laws) now ask us to return, at least in part, to the due process philosophy that has been deliberately discarded. Claiming that the Federal Constitution itself affords protection for union members against discrimination, they nevertheless assert that the same Constitution forbids the State from providing the same protection for nonunion members. Just as we have held that the due process clause erects no obstacle to block legislative protection of union members, we now hold that legislative protection can be afforded nonunion workers.

In this way, the Court demonstrated that, far from violating the equal protection of laws clause, the right-to-work laws recognize and assure the 14th amendment rights of nonunion and union workers. That discrimination against union members is wrong is well established by statute and judicial decisions. It is also settled by sound morals. By analogy, it is hard to conceive of reasons why discrimination against nonunion workers should deserve better judgment.

It also deserves emphasis that the right-to-work laws do not prevent an intolerant trade unionist from leaving his job simply because nonunion workers are employed in the plant. However narrow and prejudiced such conduct may be, it is not forbidden by any law. It is, nonetheless, a flagrant example of the kind of intolerance that conflicts with civic amity or that charity which is due not to friends only but even enemies. If it is encouraged, no reason remains to condemn religious, racial, or national intolerance. We cannot avoid this latter type of intolerance by fostering the former type.

In his concurring opinion in the Lincoln Federal Labor Union case, Mr. Justice Rutledge, while agreeing that the right-to-work laws are constitutional, introduced the following caution:

Strikes have been called throughout union history in defense of the right of union members not to work with nonunion men. If today's decision should be construed to permit a State to foreclose that right by making illegal the concerted refusal of union members to work with nonunion workers, and more especially if the decision should be taken as going so far as to permit a State to enjoin such a strike, I should want a complete and thorough reargument of these cases before deciding so momentous a question.

In 1953, Mr. Justice Rutledge was partly accommodated in what he wanted. The reargument of the right-to-work laws in a slightly different context occurred in a case called *Local No. 10, United Association of Journeymen, Plumbers and Steamfitters* v. *Graham* (345 U.S. 192). The basic question in that case was "whether the Commonwealth of Virginia, consistently with the Constitution of the United States, may enjoin peaceful picketing when it is carried on for purposes in conflict with the Virginia right-to-work statute." There was also the subsidiary question whether the record in that case justified the finding made below that the picketing was actually for such purposes. The Supreme Court of the United States answered both of these questions in the affirmative.

Here are the facts in the case as they were given in the Supreme Court decision:

It is understood that the picketing lasted from 8 a.m., September 25, until stopped by injunction the following noon. The picketing was peaceful in appearance. There was usually but one picket and there never were more than two pickets on duty at a time. There was no violence and no use of abusive language. Each picket walked up and down the sidewalk adjoining the project carrying a sign bearing substantially the language * * * "This is not a union job. Richmond Trades Council" * * *. The premises picketed were frequented by few except the construction workers. The project was in its earliest stages. Before the picketing began, there were not more than 14 men at work. Of these, three union carpenters

worked about 1 hour on September 25. They left the project when the picketing began and returned a few days after the picketing stopped. Two union ironworkers or rodmen gave notice that picketing was to begin Monday, September 25, and that, therefore, they would not come to work. They never returned and the contractor was delayed several days while seeking to replace them. * * * The effect of the picketing was confirmatory of its purpose as found by the trial court. Petitioners here (the unions), engaged in more than the mere publication of the fact that the job was not 100-percent union. Their picketing was done at such a place and in such a manner that, coupled with established union policies and traditions, it caused the union men to stop work and thus slow the project to a general standstill.

* * * * *

The policy of Virginia which is expressed in its right-to-work statute is summarized as follows by its highest court: "It provides in substance that neither membership nor nonmembership in a labor union shall be made a condition of employment; that a contract limiting employment to union members is against public policy; and that a person denied employment because he is either a member of a union or not a member of a union shall have the right of action for damages." *Finney* v. *Hawkins*, 189 Va. 878, 880, 54 S.E. 2d 872, 874.

Based upon the findings of the trial court, we have a case in which picketing was undertaken and carried on with at least one of its substantial purposes in conflict with the declared policy of Virginia.

Upon the basis of the foregoing facts, the unions contended that the injunction which was issued against the picketing was inconsistent with the 14th amendment of the U.S. Constitution because it amounted to a restriction on free speech—a deprivation of liberty without due process of law. The union argument was that the denial of the use of picket lines was the equivalent of a restriction of free speech. It is obvious to the merest neophyte, however, that picketing is not simply and purely free speech.

Numerous cases by the Supreme Court of the United States have stated this. For that reason the Court curtly dismissed the contentions of the union with the following statement:

On the reasoning and authority of our recent decisions, we reaffirm our position to the contrary.

Then followed a long list of citations of those decisions. The Court sustained the Virginia injunction against a union which sought to use peaceful picketing in contravention of the Virginia right-to-work laws.

Mr. Justice Black dissented upon the basis of the tenuous contention:

Picketing is a form of free speech—the workingman's method of giving publicity to the facts of industrial life. As such it is entitled to constitutional protection.

He cited a case decided in 1940 which, in effect, held this. That case has since been qualified again and again. Mr. Justice Black expressed difficulty in understanding the line of distinction between permissible and unlawful picketing. How a picket line which has for its objective to coerce an employer to do what a valid State law prohibits can be regarded as having a lawful purpose is quite beyond comprehension. What the Graham case decided within the area of Federal jurisdiction has been ruled by courts in a number of States. For example, in Michigan, picketing was threatened by a carpenters' union for the purpose of forcing an employer to discharge a nonunion carpenter. Under State law, the purpose of this picketing was unlawful. The discharged nonunion carpenter was held to be entitled to recover damages from the union in an action for malicious interference with his rights under an employment contract.

In New Jersey, a court held that it had jurisdiction of an action by an employee to recover damages from a union and employer because the union had forced the employer to discharge the employee for no better reason than that the employee refused to contribute a gift for a union officer.

Mr. President, occurrences of this nature are altogether too frequent at the present time. However, it is not out of reason to presume that the frequency with which they occur will accelerate many times over should section 14(b) of the Taft-Hartley Act be repealed as is here proposed.

I consider the matter now being debated one of the most important matters that has come before the Senate during the 11-years I have been a Member. The very question of freedom of the individual is concerned. Are we going to force a man, against his will, to join a labor union, or any organization, to hold a job?

If so, we will deny that citizen his freedom as guaranteed and preserved to him by the Constitution. Is this Congress going to deny to the legislatures of the respective States the right to pass or not to pass right to work laws? If the proposed legislation is enacted, 14(b) goes out the window, and a State will not be allowed to prevent compulsory unionism even if it wishes to do so.

It is my firm and conclusive judgment that the people of Louisiana, Wyoming, Montana, Ohio, New York, South Carolina, or any other State in this Nation are better acquainted with what they wish to do and what is desirable for their own people than is the Congress, sitting hundreds of miles away.

I feel that it is taking away a right of the States. It is another chipping away and a usurpation of the prerogatives reserved to the States under the Constitution.

It is my sincere hope that Congress will not repeal section 14(b) of the Taft-Hartley Act. It is also my sincere hope that Congress will preserve and retain and continue on the statute books of the Nation section 14(b) which permits a State to have a right to work law if such a State wishes to do so.

RECESS UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 11 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Thursday, October 7, 1965, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate October 6 (legislative day of October 1), 1965:

COMMISSIONER ON AGING

William D. Bachill, of California, to be Commissioner on Aging. (New position.)

U.S. CUSTOMS COURT

James L. Watson, of New York, to be judge of the U.S. Customs Court.

Frederick Landis, of Indiana, to be judge of the U.S. Customs Court.

IN THE NAVY

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Thomas F. Connolly, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

HOUSE OF REPRESENTATIVES

WEDNESDAY, OCTOBER 6, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture before his prayer: I John 5: 4: *This is the victory that overcometh the world, even our faith.*

O Thou God of all grace, inspire us with indomitable courage and invincible faith in the ultimate victory of moral and spiritual forces as we face arduous tasks and heavy responsibilities.

Show us how we may conquer our moods of discouragement and depression and cultivate a stronger and more dynamic confidence in Thy divine wisdom and power.

Grant that we may never become the victims of cynical attitudes or feel that these present-day situations and conditions are so hopelessly wrong that all efforts to change and put them right are useless and will end in failure.

May our President, our Speaker, and the Members of Congress give clear and convincing witness that they have a lofty vision, a fine insight, and a great hope, that a better world is emerging for we have not been created for failure but for victory.

Bless our President. Give him Thy needed grace. Share with the doctors and nurses Thy wisdom, enabling them to know what to do. We give Thee all the praise and the glory. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Jones, one of his secretaries.